

# JOURNAL

OF THE

SIXTH BIENNIAL SESSION

OF THE

SENATE

OF THE

STATE OF ALABAMA,

SESSION OF 1857—'58.

HELD IN THE

CITY OF MONTGOMERY.

---

---

WITH AN INDEX,

PREPARED BY THE SECRETARY OF STATE.

---

---

MONTGOMERY:

N. B. CLOUD, STATE PRINTER.

1858.

# JOURNAL.

---

MONTGOMERY, ALABAMA, }  
November 9, 1857. }

This being the second Monday in November, in the year of our Lord one thousand eight hundred and fifty-seven, the day fixed by law for the meeting of the General Assembly of the State of Alabama, the Senate assembled in the Senate Chamber of the State Capitol.

Mr. Rowe, of Tallapoosa, was called to the chair, and Joseph H. Phelan, appointed secretary *pro tem*.

The Senate elect were qualified and took their seats, and the roll of senatorial districts being called, the following members were found in attendance, to wit:

From the District composed of the county of

1. *Mobile*.—James S. Deas.
2. *Baldwin, Monroe and Clarke*.—N. A. Agee.
3. *Coffee, Covington and Conecuh*.—Daniel H. Horn.
4. *Dale and Henry*.—James H. McKinne.
5. *Barbour*.—Edward C. Bullock.
6. *Pike*.—H. B. Thompson.
7. *Russell*.—A. B. Griffin.
8. *Macon*.—G. W. Carter.
9. *Montgomery and Autauga*.—Adam C. Felder.
10. *Dallas and Wilcox*.—James M. Calhoun.
11. *Sumter, Choctaw and Washington*.—Wm. Woodward.
12. *Greene and Marengo*.—Allen C. Jones.
13. *Perry and Bibb*.—Jack Cocke.
14. *Lowndes and Butler*.—Thomas J. Burnett.
15. *Coosa*.—Daniel Crawford.
16. *Tallapoosa*.—John Rowe.
17. *Chambers*.—Robert Mitchell.

18. *Randolph*.—Robert S. Heflin.
19. *Talladega*.—George Hill.
20. *Benton*.—Miles W. Abernathy.
21. *Jefferson and Shelby*.—John S. Storrs.
22. *Tuskaloosa*.—Robert Jemison, Jr.
23. *Pickens*.—Alex. B. Clitherall.
24. *Marion and Fayette*.—E. P. Jones.
25. *Franklin*.—R. B. Lindsay.
26. *Lawrence, Hancock and Walker*.—O. H. Bynum.
27. *Blount and St. Clair*.—Wm. Thaxton.
28. *Cherokee*.—S. K. McSpadden.
29. *Marshall and DeKalb*.—S. K. Rayburn.
30. *Jackson*.—Wm. A. Austin.
31. *Madison*.—Wm. Fleming.
32. *Limestone and Morgan*.—John D. Rather.
33. *Lauderdale*.—Robert M. Patton.

W. D. B. Padgett was appointed doorkeeper *pro tem*.

The Senate then proceeded to the election of a presiding officer. James M. Calhoun, of Dallas, alone being in nomination, and having received twenty-nine votes, that being the entire number of votes given, was declared duly elected President of the Senate for the present session.

The chair appointed a select committee, composed of Messrs. Patton, Clitherall and Bullock, to inform Mr. Calhoun of his election. He was conducted to the chair, was qualified and entered upon the duties of his office.

The Senate then proceeded to the election of a secretary. George Shorter and Joseph H. Phelan being in nomination.

Those who voted for Mr. Phelan, are :

Messrs. President, Abernathy, Agee, Bynum, Clitherall, Crawford, Deas, Felder, Fleming, Heflin, Hill, Jemison, Jones of Green, Jones of Marion, Lindsay, Mitchell, Patton, Rather, Rayburn, Rowe, Woodward—21.

Those who voted for Mr. Shorter, are :

Messrs. Austin, Bullock, Burnett, Carter, Griffin, Horn, McKinney, McSpadden, Thaxton, Thompson—10.

Mr. Phelan having received a majority of the whole number of votes given, Mr. President declared him duly and constitutionally elected Secretary of the Senate for the present session. He was qualified and entered upon the duties of his office.

The Senate then proceeded to elect an assistant secretary. Micah Taul, Wm. L. Cain and P. H. Brittain being in nomination.

Those who voted for Mr. Taul, are :

Messrs. President, Abernathy, Austin, Crawford, Deas, Hill, Jones of Fayette, Patton—8.

Those who voted for Mr. Cain, are :

Messrs. Heflin, Horn, Jemison, McSpadden, Rather, Rayburn, Rowe, Thaxton, Thompson, Woodward—10.

Those who voted for Mr. Brittan, are :

Messrs. Agee, Bullock, Burnett, Bynum, Felder, Griffin, Jones of Greene, Lindsay, McKinney, Mitchell—12.

John S. Storrs, the senator elect from the district composed of the counties of Jefferson and Shelby, appeared, was qualified and took his seat.

Neither of the candidates having received a majority of the whole number of votes given, the Senate proceeded to vote a second time.

#### SECOND BALLOT.

Those who voted for Mr. Brittan, are :

Messrs. President, Agee, Bullock, Burnett, Bynum, Carter, Clitherall, Felder, Griffin, Jones of Greene, Lindsay, Mitchell—12.

Those who voted for Mr. Taul, are :

Messrs. Abernathy, Austin, Crawford, Deas, Hill, Jones of Fayette, Patton and Storrs—8.

Those who voted for Mr. Cain, are :

Messrs. Heflin, Horn, Jemison, McKinney, McSpadden, Rather, Rayburn, Rowe, Thaxton, Thompson and Woodward—11.

Neither of the candidates having received a majority of the whole number of votes given, the Senate proceeded to vote a third time.

#### THIRD BALLOT.

Those who voted for Mr. Brittan, are :

Messrs. President, Agee, Bullock, Burnett, Bynum, Carter, Clitherall, Felder, Griffin, Jones of Greene, Jones of Fayette, Lindsay, McKinney, Mitchell and Rowe—15.

Those who voted for Mr. Taul, are :

Messrs. Austin, Crawford, Deas, Hill and Storrs—5.

Those who voted for Mr. Cain, are :

Messrs. Abernathy, Heflin, Horn, Jemison, McSpadden, Patton, Rather, Rayburn, Thaxton, Thompson and Woodward—11.

#### FOURTH BALLOT.

Those who voted for Mr. Brittan, are :

Messrs. President, Agee, Bullock, Burnett, Bynum, Clitherall, Felder, Griffin, Jones of Greene, Jones of Fayette, Lindsay, McKinney, Mitchell and Rowe—15.

Those who voted for Mr. Cain, are :



Messrs. Abernathy, Austin, Deas, Heflin, Horn, Jemison, McSpadden, Patton, Rather, Rayburn, Thaxton, Thompson and Woodward—13.

Those who voted for Mr. Taul, are:

Messrs. Crawford, Hill and Storrs—3.

#### FIFTH BALLOT.

Those who voted for Mr. Brittan, are:

Messrs. President, Agee, Bullock, Burnett, Bynum, Carter, Clitherall, Deas, Felder, Jones of Greene, Jones of Fayette, Lindsay, McKinney, Mitchell and Rowe—15.

Those who voted for Mr. Cain, are:

Messrs. Austin, Griffin, Heflin, Horn, Jemison, McSpadden, Patton, Rather, Rayburn, Thaxton, Thompson, Woodward—12.

Those who voted for Mr. Taul, are:

Messrs. Abernathy, Crawford, Hill and Storrs—4.

#### SIXTH BALLOT.

Those who voted for Mr. Brittan, are:

Messrs. Agee, Bullock, Burnett, Bynum, Carter, Clitherall, Deas, Felder, Griffin, Jones of Greene, Jones of Fayette, Lindsay, McKinney, Mitchell and Rowe—15,

Those who voted for Mr. Cain, are:

Messrs. President, Abernathy, Heflin, Horn, Jemison, McSpadden, Patton, Rather, Rayburn, Thaxton, Thompson and Woodward—13.

Those who voted for Mr. Taul, are:

Messrs. Crawford, Hill and Storrs—3.

#### SEVENTH BALLOT.

Those who voted for Mr. Brittan, are:

Messrs. President, Agee, Bullock, Burnett, Bynum, Carter, Clitherall, Deas, Felder, Griffin, Jones of Greene, Jones of Fayette, Lindsay, McKinney, Mitchell and Rowe—16.

Those who voted for Mr. Cain, are:

Messrs. Abernathy, Austin, Heflin, Horn, Jemison, McSpadden, Patton, Rather, Rayburn, Thaxton, Thompson and Woodward—12.

Those who voted for Mr. Taul, are:

Messrs. Crawford, Hill and Storrs—3.

Mr. Brittan having received a majority of the votes given, the president declared him duly elected assistant secretary of

the Senate for the term prescribed by law, and he was qualified and entered upon the duties of his office.

The Senate then proceeded to the election of a door-keeper. The names of Messrs. Padget, Ellis, McBroom, D. W. Dorsey, and Heard, were placed in nomination.

Those who voted for Mr. Padget, are :

Messrs. Abernathy, Austin, Deas, Griffin, Hill, McKinne, Patton, Thompson and Woodward—9.

Those who voted for Mr. Ellis, are :

Messrs. President, Clitherall, Horn, Jemison, Jones of Fayette, McSpadden, Rayburn, Rowe, Storrs and Thaxton—10.

Those who voted for Mr. McBroom, are :

Messrs. Bullock, Bynum, Fleming, Jones of Greene, Lindsay and Rather—5.

Those who voted for Mr. Dorsey, are :

Messrs. Burnett, Crawford, Felder, Griffin and Mitchell—5.

Mr. Carter voted for Mr. Heard.

#### SECOND BALLOT.

The name of Mr. Heard having been withdrawn, those who voted for Mr. Padget, are :

Messrs. Abernathy, Agee, Austin, Burnett, Deas, Heflin, Hill, McKinne, Patton, Thompson and Woodward—11.

Those who voted for Mr. Ellis, are :

Messrs. President, Bullock, Carter, Clitherall, Horn, Jemison, Jones of Fayette, McSpadden, Rayburn, Rowe, Storrs and Thaxton—12.

Those who voted for Mr. McBroom, are :

Messrs. Bynum, Fleming, Jones of Greene, Lindsay and Rather—5.

Those who voted for Mr. Dorsey, are :

Messrs. Crawford, Felder, Griffin and Mitchell—4.

#### THIRD BALLOT.

Those who voted for Mr. Padget, are :

Messrs. President, Agee, Austin, Bullock, Burnett, Deas, Heflin, Hill, McKinne, Mitchell, Patton, Thompson and Woodward—13.

Those who voted for Mr. Ellis, are :

Messrs. Abernathy, Carter, Clitherall, Horn, Jemison, Jones of Fayette, McSpadden, Rayburn, Rowe, Storrs and Thaxton—11.

Those who voted for McBroom, are :

Messrs. Bynum, Fleming, Jones of Greene, Lindsay and Rath-  
er—5.

Those who voted for Mr. Dorsey, are :  
Messrs. Crawford, Felder and Griffin—3.

#### FOURTH BALLOT.

Those who voted for Mr. Padget, are :

Messrs. President, Abernathy, Agee, Austin, Bullock, Deas,  
Heflin, Hill, McKinne, Patton, Thompson and Woodward—13.

Those who voted for Mr. Ellis, are :

Messrs. Carter, Clitherall, Horn, Jemison, Jones of Greene,  
Jones of Fayette, McSpadden, Rayburn, Rowe, Storrs and Thax-  
ton—11.

Those who voted for Mr. McBroom, are :

Messrs. Bynum, Fleming, Lindsay and Rather—4.

Those who voted for Mr. Dorsey, are :

Messrs. Crawford and Felder—2.

#### FIFTH BALLOT.

Those who voted for Mr. Padget, are :

Messrs. President, Abernathy, Agee, Austin, Bullock, Bur-  
nett, Deas, Griffin, Heflin, Hill, McKinne, Patton, Thompson  
and Woodward—14.

Those who voted for Mr. Ellis, are :

Messrs. Bynum, Carter, Clitherall, Horn, Jemison, Jones of  
Greene, Jones of Fayette, McSpadden, Rayburn, Rowe, Storrs  
and Thaxton—12.

Those who voted for Mr. McBroom, are :

Messrs. Fleming and Rather—2.

Those who voted for Mr. Dorsey, are :

Messrs. Crawford, Felder, Lindsay and Mitchell—4.

#### SIXTH BALLOT.

Those who voted for Mr. Padget, are :

Messrs. President, Agee, Austin, Bullock, Burnett, Deas, Fel-  
der, Griffin, Heflin, Hill, McKinne, Mitchell, Patton, Thompson  
Woodward—15.

Those who voted for Mr. Ellis, are :

Messrs. Abernathy, Bynum, Carter, Clitherall, Crawford,  
Horn, Jemison, Jones of Greene, Jones of Fayette, Lindsay, Mc-  
Spadden, Rather, Rayburn, Rowe, Storrs and Thaxton—16.

Mr. Fleming voted for Mr. McBroom.

## SEVENTH BALLOT.

Those who voted for Mr. Padget, are :

Messrs. President, Abernathy, Agee, Austin, Bullock, Burnett, Deas, Felder, Griffin, Heflin, Hill, McKinne, Mitchell, Patton, Thompson and Woodward—16.

Those who voted for Mr. Ellis, are :

Messrs. Bynum, Carter, Clitherall, Crawford, Horn, Jemison, Jones of Greene, Jones of Fayette, Lindsay, Rather, Rayburn, Rowe, Storrs and Thaxton—14.

Mr. Fleming voted for Mr. McBroom.

Mr. Padget having received a majority of the whole number of votes given, Mr. President declared him duly and constitutionally elected door-keeper of the Senate, for the present session.

He was qualified and entered upon the duties of his office.

TUESDAY, Nov. 10, 1857.

The Senate met pursuant to adjournment.

Mr. Cocke, senator elect, from the district composed of the counties of Bibb and Perry, appeared in the Senate chamber, was qualified and took his seat.

Message from the House by Mr. Elmore, informing the Senate that the House had organized by the election of Crawford M. Jackson, of Autauga, as Speaker; Albert Elmore, of Montgomery, principal clerk; Wm. M. Hames, of Benton, assistant clerk; C. C. Carden, of DeKalb, engrossing clerk, and Jere Gibson, of Lawrence, as door-keeper, and are now ready to proceed to business; also, adopted the following resolution :

*Resolved*, That a committee of three be appointed on the part of the House, to co-operate with a like committee on the part of the Senate, to inform the Governor that the two Houses have organized, and are now ready to receive any communications he may have to make.

On motion of Mr. Clitherall,

*Resolved*, That the president appoint the following standing committees for the session :

|   |
|---|
| A committee on the Judiciary ;                                |
| “ “ “ Banks and Banking ;                                     |
| “ “ “ Federal Relations ;                                     |
| “ “ “ Privileges and Elections ;                              |
| “ “ “ Propositions and Grievances ;                           |
| “ “ “ Sixteenth Sections, and the Sixteenth<br>Section Fund ; |
| “ “ “ Education ;   |

|                |   |
|----------------|---|
| A committee on | Divorce and Alimony ;                             |
| "              | " " Retrenchment ;                                |
| "              | " " Accounts and Claims ;                         |
| "              | " " The Penitentiary ;                            |
| "              | " " Agriculture ;                                 |
| "              | " " County Boundaries ;                           |
| "              | " " State Printing ;                              |
| "              | " " Roads, Bridges and Ferries ;                  |
| "              | " " The Military ;                                |
| "              | " " Enrolled Bills ;                              |
| "              | " " The State Capitol ;                           |
| "              | " " Finance and Taxation ;                        |
| "              | " " The State Bank and Branches ;                 |
| "              | " " Internal Improvements and Inland Navigation ; |
| "              | " " Corporations ;                                |

On motion of Mr. Patton,

*Resolved*, That, in pursuance of section 34 of the Code, the Senate now appoint a committee of three, to act with a like committee on the part of the House, to examine the offices of the comptroller and treasurer.

Whereupon, Messrs. Patton, Storrs, and Jones of Greene, were appointed said committee.

On motion of Mr. Storrs,

*Resolved*, That the editors and reporters of newspapers and periodicals, have leave to come within the bar of the Senate, and be furnished with seats and tables, for the purpose of reporting for their respective papers.

On motion of Mr. Clitherall,

*Resolved*, That the House of Representatives be informed by the secretary, that the Senate has organized by the election of

James M. Calhoun, of Dallas, President ;

Joseph H. Phelan, Secretary ;

P. H. Brittan, Assistant Secretary, and

W. J. B. Padget, Door keeper,

and are ready to proceed to business.

The Senate then adjourned until to-morrow morning 10 o'clock.

WEDNESDAY, November 11, 1857.

The Senate met pursuant to adjournment.

On motion of Mr. Crawford,

*Resolved*, That the Senate appoint a committee of three, to act with a like committee on the part of the House, to wait upon his excellency, the Governor, and inform him that the two Houses are now organized, and ready to receive any communication he may please to lay before them.

Whereupon, Messrs. Crawford, Woodward and Deas, were appointed said committee.

On motion of Mr. Jemison,

*Resolved*, That a committee of three be appointed, to prepare and report rules for the government of the Senate during the present session.

Whereupon, Messrs. Jemison, Clitherall, and Rather, were appointed said committee.

Mr. Clitherall offered the following resolutions :

1. *Resolved*, That it is the sense of the Senate, that the sixteenth section funds should be withdrawn from the State treasury, and placed in the hands of the trustees of the respective township owning said funds.

2. *Resolved*, That the committee on the sixteenth section funds, are hereby instructed to report at an early day, to the Senate, a bill pursuant to the foregoing resolution, embodying therein the following provisions :

1. The securing of said fund to the township, by requiring sufficient bonds from the trustees or other custodians of the fund, and by affording a summary remedy for the collection of monies due the townships.

2. Repealing the usury laws, as to the sixteenth section monies, and allowing the trustees of the township, or other custodians of the funds, to loan them out at such rate of interest as may be agreed on, in writing, by the borrowers.

3. Protecting the principal of said fund, by providing that the interest alone be expended, and imposing adequate penalties upon any trustees who may permit a reduction of the principal.

On motion of Mr. Patton, the resolutions were referred to the committee on Education.

Mr. Clitherall introduced a bill to repeal the laws requiring judges of the circuit courts to rotate, or alternate in holding the circuit courts; which was read the first time and ordered to a second reading.

Mr. Felder introduced a bill to destroy the bills of the State bank and branches; which was read the first time and ordered to a second reading.

On motion of Mr. Rowe,

*Resolved*, That a committee of three be appointed on the part of the Senate, to act with a like committee on the part of the House, to report rules for the government of the two Houses, when in convention.

Messrs. Rowe, Rather, and Storrs, were appointed said committee.

Mr. Fleming introduced a bill to amend section 1676 of the

Code; which was read the first time and ordered to a second reading.

Mr. Rowe introduced a bill in relation to the payment of taxes, which was read the first time and ordered to a second reading.

Mr. Fleming introduced joint resolutions to amend the constitution of the State of Alabama; which were read and ordered to a second reading.

On motion of Mr. Storrs,

*Resolved*, That the Senate appoint a committee of two, to act with a like committee on the part of the House, whose duty it shall be, to state an account between the State of Alabama and the two and three per cent. funds, which account shall show the amount received and the time when received; also, any and what disposition has been made of any portion of said funds, and report the same to their respective bodies.

Mr. Jones, of Greene, introduced a bill to extend the fall term 1857, of the circuit court of Marengo county; which was read first, second and third times forthwith, under a suspension of the rule, and passed.

Mr. Clitherall introduced the following bills :

To reduce the taxes of the people of Alabama;

To provide for annual sessions of the General Assembly, and annual elections of Representatives thereto;

To reduce the costs in the settlement of insolvent estates, and for other purposes ;

To repeal the law requiring annual settlements by guardians, and for other purposes ;

To provide for the pay of jurors in Pickens county ;

Requiring apportioners of roads in Pickens county, to appoint overseers, and for other purposes ;

To authorize Lemuel A. Gilkey, judge of probate of Pickens county, to act as guardian for Walter M. Gilkey, a minor ;

For the relief of Benjamin West, in Pickens county ; which were severally read the first time and ordered to a second reading.

Mr. Jemison presented the account of J. W. Mallet, for services rendered as an assistant in the geological survey of the State; and also, the account of Ormond and Nicholson for prosecuting suit of the State of Alabama against Samuel G. Frier-son; which were severally referred to the committee on Accounts.

Mr. Crawford, from the committee appointed to wait on the Governor, inform him of the organization of the two Houses, and that they were ready to receive any communication he desired to make to them, reported that the Governor would make his biennial communication this day at 12 o'clock, M.

The hour of 12 o'clock having arrived, the Governor trans-

mitted to the Senate, by Mr. Catlin, his private secretary, the following message :

EXECUTIVE DEPARTMENT, }  
MONTGOMERY, ALABAMA. }

*Gentlemen of the Senate and House of Representatives :*

You assemble at a period free from all immediate causes of high political excitement, and favorable to a calm consideration of the duties that devolve on you as the legislators of a free people. Peace and domestic quiet in the political affairs of the State in its internal relations in matters connected with the federal government, as well as our relations with our sister States, and domestic prosperity, relieve me of the necessity of making an elaborate disquisition on the affairs of State. We find the people of Alabama in the enjoyment of a high degree of prosperity unsurpassed by that of any other State of the confederacy, or any other government, past or present—presenting another example in proof of the correctness of the position that the true policy of a free government, is to govern as little as possible ; that to insure individual and general prosperity, is to leave every citizen the fullest discretion to select and pursue, each for himself, the road to fortune, which his own judgment and inclination may dictate—untrammelled by levies and taxes, or contributions for the advancement of any particular class of enterprise or interest. The financial affairs and credit of Alabama now present a state of facts in happy contrast to that in which they stood when some of us entered public life, and in happy contrast with many of the States, which then, in pecuniary position and character, occupied a much more favorable standing than that held by us. By a firm and steady course of patient endurance and economy, the greater portion of an enormous debt—incurred by financial empirics and a departure from the legitimate purposes of government—has been liquidated ; and the credit of Alabama not only sustained untarnished, but restored to that high position which it should be our first duty to maintain for it. By a steady resistance to the policy of over-zealous enthusiasts and interested incorporations, we have been enabled to avoid that load of responsibility and debt which has been incurred by older and greater States, and which will, for generations, rest upon their people and retard their progress. The correctness of the principle of an entire separation of the affairs of State from private enterprises and speculations, and leaving to individual energy and private capital the construction of such works as the facilities of commerce may require, is being estab-



lished by time, and the experience of other States, to such a degree as to give us abundant cause for congratulation that we have been able to resist a popular error, though subjecting ourselves to the taunts and reproaches of those who adopted a different policy. It is well for States and individuals to be "behind the spirit of the age," when that spirit impels us only to embarrassment and bankruptcy. When we see works of magnificent extent and grandeur, constructed at a cost almost too great for belief, pronounced, as State works, failures, and thrown upon the market for the purpose of relieving the people of the expense of keeping them up, we have abundant cause to be thankful that we are not in a like predicament, and that we took warning in time. In another State, the rates of taxation have to be increased by millions to support public works which their projectors were fondly persuaded would relieve the people from all taxes, and even furnish finances for the carrying on of the State government. Other States, more identical with us in resources and interest, have incurred an immense load of responsibility, which will have to be increased at ruinous rates, before they will be able to test the value of works for which they have departed from the safe and conservative principles of government. I hold that the Constitution invests the legislative department with no authority for involving the people of the State with pecuniary obligations for the promotion of any class or particular interest. The only just object of taxation is to meet the wants of the government, economically administered, and to secure the ends of public justice. Whenever a government extorts more than is absolutely necessary for these purposes, it becomes an oppression. Unfortunately for us, the speculative financiering of the past imposes on the people of Alabama a heavy burden of taxation to preserve the honor of the State. Our first duty is to adopt and continue such policy as shall most speedily, and with the least degree of oppression to the industry of the country, pay what we now owe. It is a dangerous experiment for the State to have her citizens under pecuniary obligations. It leads to a formation of interest for a continuance of those obligations. The idea of lending whatever surplus there might be in the State treasury, as a more profitable investment than that the money should lie idle in the treasury, was once favorably received by the people, but experience teaches us the fallacy of that policy. There is no necessity for allowing a surplus to be created in the State treasury. The nearer we can adopt the principles of the independent treasury bill, in the finances of the State, the better for the people who have the taxes to pay. By a constant application of all the means we may have to a liquidation of the State

debt, the possibility an accumulation of any surplus is avoided. When that is not the case, the remedy is readily found in the reduction of the rate of taxation.

The loans granted to several railroad companies, by acts of the last Legislature, have not been applied for on the terms laid down by the Legislature. Had application been made, however, the funds were not in the treasury for such a purpose, other than the bills or notes of the State bank and branches, long since in a state of liquidation; and, in the opinion of the attorney general—in which opinion I fully concur—the re-emission of such bills or notes, to pass as money, is prohibited by the constitution of the United States.

The Mobile and Ohio Railroad Company having failed to apply for a renewal of the loan made them of four hundred thousand dollars, on the terms of the act of January 12th, 1856, and failing at maturity of the loan to pay the same agreeably to the terms of the act making the original loan, instructions were issued from this department for the collection of the same. The company, by litigation, resisted the payment of the debt; and it was not until a decision was had by the supreme court, early in the present year, that any further steps could be taken for the collection of that debt. I was of the opinion that it would be more likely to enure to the safety of the debt and the public interest, not to force a sale of the bonds of the company, or to resort to extreme measures with the personal security. As the Legislature favored an extension of the loan on a better basis of security, it was deemed best to collect by installments, a portion of the debt, amounting to one hundred thousand dollars—which, with the interest due, has been paid. It is now in the province of your honorable body to say whether the debt shall be fully liquidated by regular installments, or collected at once in full. I believed, to make the debt “perfectly safe” to the State, it was proper to collect a part of the money, and to hold on to all the security. The road is now in good running order to such an extent, and doing so large and profitable a business, that it can doubtless meet the balance due without particular inconvenience, by installments, in the next few months. In conducting the suit against the company, I was necessarily compelled to employ counsel for the State. I engaged the services of M. A. Baldwin and John A. Elmore, Esqrs., who faithfully discharged the duties of attorneys to the State. They are, of course, entitled to liberal compensation for their services, which it becomes the province of the Legislature to provide for.

I conceive that the time has come, when it becomes the honor and dignity of a sovereign State, no longer to tolerate the re-

emission of the bills of the defunct State bank and branches, or the longer circulation of the same as a part of our currency. I most respectfully and earnestly urge, that all the bills or notes now in the hands of the State treasurer, or any other agent or officer of the State, be destroyed by burning; that an act be passed requiring the same to be done by the State officers, monthly; and that the State treasurer, and other agents to be appointed, be required to redeem in coin, or bills of specie paying chartered banks of this State, whatever of such bills as are yet unredeemed. As a part of the policy of closing up the calamitous results of our experiment in State banking, I recommend the discontinuance of the office of State Commissioner and Trustee to wind up and settle the affairs of the banks in liquidation, and a disposition of whatever assets may yet remain uncollected. The very faithful officer who filled that position advised, two years ago, that the good of the State no longer required the continuance of that commission; in which I fully concurred. I presume there can be much less reason now for a continuance of the office than two years ago. Too long already has been kept up the useless expense of keeping open the several offices at the location of the old banks, for the benefit of the few persons who had not yet discharged their debts to the State. By publication of the list of debtors to the State, and offer of sale and compromise, some of those who, in time of pecuniary embarrassment, were unable to meet their engagement, but are now in the enjoyment of affluence, may be induced to come forward and pay something towards the relief of the State treasury from burdens imposed by their misfortunes or improvidence. A sale of the unavailable assets will, doubtless, produce something to the State, while a continuance of the present system may only incur charges to the State. The financial affairs of the State, so far as the payment of foreign interest and bonds is concerned, can be conducted as they have been heretofore, with promptness and ability, through the agency of the able head of the Bank of Mobile, and without cost to the State. By a strict application of all the means of the State to the payment of interest and the redemption of the yet outstanding bonds, in a few years the State will occupy the proud position of having liquidated in full the immense debt, which, but a few years since, oppressed her people, without for one moment having failed to discharge her utmost obligation.

From the report of the commissioners appointed to examine and report upon the affairs of the chartered banks of this State, it appears that they are in a prosperous condition. The management has been faithful and honest, both to the stockholders

and the public. It is a matter of regret, however, that provision has not been made by the different banks with each other, to make their notes circulate at par in all parts of the State. I conceive it to be my duty to call the attention of the legislative department to an anomaly in the principle of banking, adopted by this State, in the case of the Northern Bank, located at Huntsville. By an amendment of the charter of that bank, it is permitted to do business upon, and pay out at its counter, the notes and bills of any and all banks of other States. By this privilege it is allowed to put into circulation any amount of bank notes, for which no security is provided, and no specie required to redeem; nor is the bank bound, in case of failure of any of the foreign banks—whose agents it may have become—to receive one dollar of the notes it so throws into circulation, in payment of any debt due it. The chief argument in favor of the establishment of banks in the State was, that the circulation of bank notes, as a currency, would be placed under the eye and authority of our government and laws; and instead of a currency of which the people could know but little, we should have one redeemable at the counter of the banks of the State. No other bank in the State has sought such an extraordinary privilege, and departure from all sound principles of banking. The profits of the bank seem to be large, and I have been able to discover no reason why such a departure should be tolerated. I therefore urge that the bank be required to transact business, in that respect, under its original charter. It is the more demanded, as bank extension seems to have been carried in other States to the utmost extent of safety.

It is believed that many of the Insurance companies, which have, in such numbers, been chartered of late years, have not been established for the legitimate purpose of insurance against dangers of fire and sea, and other casualties, but for the purpose of becoming the agencies of foreign banks, dealing in the usurious discount of bills and notes, and are the active instruments of throwing into circulation an immense amount of the notes of foreign banks, for the redemption of which no funds are provided; in fact, becoming banking companies, instead of what their title professes. Some have gone so far as to issue small bills, which, under pretext of being certificates of bills of deposit, are intended to circulate as money. The toleration of such an evasion of the intention of the acts of incorporation, should not longer be submitted to. It is injustice to the chartered banks of the State, and to citizens who loan their capital subject to laws on that subject. If, for the want of proper scrutiny, the charters contain provisions permitting these things, it is the

duty of the Legislature to amend or repeal such charters. It may be insisted by the advocates of "vested rights," that a charter, once obtained, cannot be altered or repealed. Such a doctrine is entirely irreconcilable with that of State sovereignty. The power of any past Legislature to bind this, and all future legislative bodies, to any particular policy, financial or otherwise, can nowhere be pointed out in the State constitution, and is wholly inconsistent with the theory of our government. Suppose some privilege had been conferred, years ago, which experience had demonstrated to be destructive to the interests and rights of the people, it would hardly be maintained that the present Legislature could not correct the mistakes of judgment or principles of such past legislation. It is not in the power of a legislative body to surrender, by its acts, any portion of the sovereignty of a State. Every chartered institution or company, which has applied for and obtained any grant from the State, has done so with the knowledge, that the inherent power vested in the sovereignty granting the privileges conferred by such charters, to alter or annul the same whenever the public welfare should demand it; and the charter is necessarily received subject to that reserved right. As a matter of public faith and justice, the power to amend or rescind such chartered rights, should be exercised only when the public good demanded it, or when the charter is made the means of transcending the obvious intention of it, or was not obtained in good faith. The spirit of combining, in privileged incorporations, for the transaction of the most common affairs of life, is of a dangerous tendency; and has been, in past legislation, too readily given into, without proper scrutiny for the public good.

The propriety of a modification of the laws on the subject of the hire or use of money, is demanded by the more enlightened spirit of the times in which we live. The advocates of the present system of usury laws, find their only argument in the ridicule and prejudice promoted by the great English poet, rather than in any sound logical reasoning. The most unbounded discretion belongs to any person in the conduct and management of his own private affairs, and on all subjects of traffic, save the hire of money. No control is attempted in the purchase or use of articles of extravagance, and doubtful value, and even of known want of value. But for the use of the standard of value, by which great commercial transactions are accomplished, legal trammels are thrown around the free operations of every citizen, greatly to the detriment of all parties. Fair competition in the use of capital is prevented; and many capitalists, who are not disposed to receive more than the law au-

thorizes, are driven from the market. The borrower can only find accommodation from those who have no such scruples; and who are compelled to charge the honest borrowers a higher rate of interest, in order to make up for what probably may be lost by dishonest ones in legal subterfuges. In this country, no law should find a place on our statute books not sustained by public opinion and the highest sense of commercial and individual honor. The system of trammeling the use of money is but a relic of the barbarous ages, unsustained by reason or justice; and by daily evasion, a dead letter in a great degree—serving only to embarrass the free exercise of judgment and discretion in one's business relations, and of advantage only to dishonest debtors. The necessity of a legal rate of interest on debts contracted without any agreements as to interest, is, of course, admitted; but, in the judgment of our best commercial writers and men, the system of usury laws, if intended for the protection of borrowers, defeats its intended purpose.

The toleration of the sale of lottery tickets, or the permission of that species of gambling, has a most pernicious influence upon the public morals and the pecuniary interest of the people of the State. The desire for the acquisition of sudden wealth, proposed to be gratified by these gambling concerns, is so captivating and alluring, that but few resist it. It has been the misfortune of Alabama, for a commendable and charitable purpose, to tolerate one lottery. The result has been such as not to justify a repetition of the experiment. By a decision of the supreme court, it appears that the present statute against the sale of lottery tickets, is not broad enough to secure the end proposed. An amendment of the law on that subject is, therefore, recommended.

The school law, which was adopted as an experiment, inaugurating a scheme of free education, needs amendment and modification, and a simplification of its machinery. It appears to me that the expense of a county superintendent might be avoided by constituting the probate judge and the county commissioners, in the several counties, as a body, to act in place of that officer. The appropriation should be applied more on the principle of equity amongst the scholars throughout the State. Severe scrutiny should be exercised in regard to the use of unsound text-books, in every school in the State. Unfortunately, as yet, our school books and teachers are imported from a community in which the prejudices of ignorance and fanaticism, on subjects of vital importance to us, are propagated. By a prohibition of all books inculcating improper sentiments to be taught in the South, we may soon insure the possession of text-books, the works of our citizens; and build up institutions of learning among us,

where the unwholesome heresies of fanaticism will not be inculcated in the minds of youth. It is believed that the cause of education, both in common schools and the higher institutions of learning, is now in a more promising condition than at any period of our history. It is greatly to be desired, by every patriotic citizen, that the time will soon come when the youth of the South will receive their education through our schools and colleges at home, and wholly cease to patronize the hot-beds of bigotry and abolitionism, now sustained by southerners, to their own shame.

The act approved the 13th of February, 1856, requiring the circuit court judges to rotate throughout the State, was approved in deference to the opinions of legal gentlemen; but experience has shown that the act is by no means a good one. At the present compensation, it is an unreasonable increase of labor and expense upon the judges—taking them for a much longer period from their families, and deducting largely from the means of their support. Practically, the act annuls the constitutional provision, that each circuit shall elect its own judge; for, by its provision, the people of each circuit elect a judge for all the circuits as much, or more, than for themselves. Without assuming that the present system is, by any means, the best that has been devised, it is but just that those who elect judicial officers of the highest attainments should have the benefit of such selection, and the contrary.

The want of a proper military spirit, and the absence of any general organization throughout the State, are lamentable facts, the correction of which is a matter demanding the considerate action of the Legislative body. The long enjoyment of peace, and too high a degree of confidence in our military capacities and resources, have rendered us indifferent to that cultivation and training in the military art, which every free people should be solicitous to cherish and keep alive in the hearts of the young men of the Republic. The times are not yet, when “the nations of the earth shall have war no more;” though such would seem to be the conclusion by the people of this State, and some others, where it is most important that a strict military organization should be kept up. Save the few volunteer companies, the military system of the State is a matter of ridicule, unworthy the name of an organization. The whole system should be abolished, and a plan of volunteer organization inaugurated in every county in the State, which would become a nucleus around which, in case of necessity, the militia of the State could be soon rallied. Under the present order of militia affairs, we lose annually a large amount of public arms that the State is entitled

to from the Federal Arsenals. No full and regular report is made of the strength of the militia. Some mode, differing from the present, should be adopted for that purpose. By making it the duty of the tax assessors to make a list of all persons liable to be enrolled for military service, the evil might, perhaps to a great degree be corrected. The condition of the public arms is such as to require some legislation on the subject. The arms are scattered over the State—in many cases in so exposed a condition as to be liable to be lost, or to fall into the hands of improper persons. A State arsenal should be constructed, or procured, at or near the seat of government, and it made the duty of the Quarter Master General to have collected, and put in good order, every piece of the public arms belonging to the State, not in the hands of a regularly organized military company.

It is a matter of regret, that cases of popular execution, without the forms of law, have occurred in the State, of late years, which cannot be reconciled with any principle of reason or propriety—assuming more the character of passion and violence, than the austere execution of deliberate, public justice. The frequency of such summary administrations of punishment, no matter how well merited, is calculated to bring the authority of law into contempt.

The people having refused to call a convention to remodel the Constitution, or to form a new one, the duty devolves on you, by the slower process of amendment, to correct the present incongruous Constitution—made so by amendments heretofore made to it—and to remedy its defects and omissions. I conceive the legal intelligence of the Legislature will find but little difficulty in reconciling conflicting parts, and supplying clauses that are imperatively demanded, and submitting the same, in a plain proposition to the people for ratification.

It will be seen by the report of the inspectors of the Penitentiary, that the health of the convicts has been good. The prison has now as many convicts as there are cells; but a portion of these convicts are females, confined in a separate part of the building, not in cells, and a considerable number are necessarily in the hospital—so that any deficiency of cells is more apparent than real. A large number of United States convicts, committed for riot or mutiny on merchant vessels, and not for a long duration, will relieve the prison soon by expiration of the time for which they have been sentenced. Too much of the room of the prison has been taken up by convicts of this character, for offences not committed on the soil. The financial affairs of the State are not such as to invite the expenditure of money for the construction of prisons for such purposes. At least, the State,



for such expenditure, is entitled to remuneration from the Government of the United States. Considerable sums have been paid by the disbursing officers of the United States Government to the lessees of the Penitentiary, without authority of law—and the whole amount so paid is justly due to the State treasury.—The Federal officers have no right to know the lessees, only as employees of the State government. By the terms of the lease of the State prison, the “lessees take the labor of the convicts as full consideration for the lease, without any payment to be made by the State.” [See Code, secs. 3868 and 3940.] The United States convicts are to be received and employed as the State convicts. The policy of hiring so large a body of men, though criminals, to individuals, to be employed as their interests may dictate, is of more than doubtful propriety. It is a virtual abandonment of the idea of reformation urged by the advocates of that system of punishment—with no plea to recommend it, but its supposed economy, in which the ends of public justice are liable to be defeated, by the desire to make money and the practice of favoritism and oppression. The plan was resorted to, to avoid the difficulty of the internal management of the prison, and drafts on the treasury—both of which might have been obviated by the appointment of proper persons as Wardens; and the State authorities have retained entire control of the whole subject, more in consonance with the principles of philanthropy and public justice. The fear of confinement in the Penitentiary is not sufficient to deter bad men from the commission of the greatest of crimes. The number of convicts daily increasing in the Penitentiaries of the different States, proves that the system is but a poor preventive to the commission of offences—in fact, a failure. Our laws need modification or amendment, or the construction of new prisons. A return to the death penalty, for the worst offences—and a different punishment for the lesser, now punished by sentence to the Penitentiary—would relieve the public from supporting numbers of the vicious in institutions of this kind.

The proposition to exempt, to a limited extent, negro property from sale under execution, which has been discussed of late years—and which has received the approval of one of the States of the South most interested in that species of property—is entitled to the gravest consideration of the Southern legislator and statesman. Opposition to such a law originates more from the peculiarity and novelty of it, than from any sound reasoning against it. The day of timid councils has gone by. Circumstances which surround us; the whole aspect of the political and economical affairs of our country, demand bold and decided ac-

tion. The highest conservatism is often found in the most prompt and decisive measures. The continued prosperity of the South will be greatly advanced by the more diffuse distribution of slave property. By the exemption of one slave, at least, from the process of the law, and her increase, if female, the investment of money in that kind of property will be preferred to all others. The ownership of slaves will become more general; the benefits of the institution more generally felt, acknowledged, and defended. In a political point of view, the advantages are too apparent to need illustration by argument. As a measure of policy, which the individual prosperity of the citizen is to be promoted, it affords a more secure investment to the person just struggling to rise, than any that has been presented; safer than stocks, which may depreciate, and more than productive than lands. It becomes so identified with the owner, that it is the last to be alienated. Experience teaches us that when a family, before indigent circumstances, once becomes possessors of this kind of property, the regular progression to wealth is uninterrupted—acting as a wholesome incentive to further industry and economy. In a philanthropic point of view, it recommends itself in an eminent degree. By the distribution of slaves into a greater number of white families, the direct contact of the owners and owned is increased, mutual attachments thereby formed, and the personal comfort and happiness of the slave secured, both in his home and its permanency. As a matter of domestic obligation to families, it is demanded. The drudgery of the household is more destructive to the health of Southern women than in countries where slavery does not exist. Objections may be urged to the passage of such a law by a belief that it will affect the rights of creditors—an objection of equal force against all other laws for the protection of families. The law would, of course, be prospective in its operations. That it may affect the credit system, to a certain extent, is really no objection, but a recommendation. The facility with which debts may be contracted, is a great injury to the happiness and prosperity of our people. The effect of such a provision cannot be otherwise than wholesome in all its details.

To the citizen who has been observant of the character of the legislation of the State, it is a matter of surprise and regret to see that the large proportion of enactments consist of special, local, and class legislation, of no general importance to the country; and that in the voluminous acts of the last few years, with the exception of the Code—which is but a re-enactment of previous statutes, with some modifications, so little can be found, calculated to benefit the people at large, or to reflect credit upon

those engaged in the responsible duties of legislation. Hundreds of pages of acts for every variety of incorporation, the existence of which is never realized beyond the statute books, are to be found; and legislative pardons and special privileges, wholly without constitutional authority and of doubtful propriety. Having been so unfortunate as to be compelled, from a sense of official duty, to dissent from so much of the legislation of this character, I hope whatever of the kind may be considered necessary, may be reserved for the consideration of the worthy citizen who is soon to assume the responsibilities of this department.

I am unable to report any progress in the suit, in the Supreme Court of the United States, for the purpose of establishing the line between this State and the State of Georgia.

Since the adjournment of the Legislature, important political events have transpired in many parts of the world. The desolation of war, in one portion, has subsided into the quiet and blessings of peace. In another portion, the most cruel war is now carried on with the most sanguinary fury. Our extensive commercial relations, with the most remote parts of the world, cause us, of course, to be sensibly affected thereby.

The administration of the affairs of the Federal Government has passed from the hands of one Chief Magistrate to those of another; and though this has been peacefully done, the demonstration of public sentiment was such as to excite the most lively apprehension in the minds of those who hope for a peaceful continuance of the constitutional Union of the States. Whilst the people of the South rejoice at the defeat of that party which is warring upon the constitutional rights of the States, we cannot but be mindful of the fact that the division of parties, is daily assuming a more sectional character—unfavorable to the constitutional equality of the States composing the Federal Union, and of the Union itself. In the election of the present Chief Magistrate, we have a guarantee that the constitutional rights of every section of the Union will be respected. In a spirit of public justice, it becomes us to wait the developments of time, before we hasten to declare a want of that confidence which placed him in the high and responsible position which he now fills. Should that confidence prove to have been misplaced, it will but be the hastening of a political crisis, which many of the most faithful and watchful patriots believe to be “but a question of time:” and the duty, so long and often avoided by concession and compromise, be upon us, of electing, for ourselves, and posterity, the high and independent position of independent and sovereign States—or to renounce all pretensions to the character

of a brave and manly people, and basely and tamely submit to the tender mercies of northern caprice and fanaticism. Unfortunately it is a weakness of our nature to put off the consideration of disagreeable subjects—though the end appears inevitable, and the necessity of finally meeting the difficulty, imperative. The agitation of the question of slavery by the people of the Northern States—properly having no business with the matter—though it has been regularly progressive, and has grown to a threatening importance—has not been without advantages to the people of the South, and to the enlightenment of the civilized world. The time was but recent, when the Southern statesman only made apologies for the existence of such a state of political affairs, and declared that he could offer no corrective. Now, however, since agitation has caused a thorough investigation of the subject, the institution is defended and upheld most successfully upon political, social, moral, and religious grounds. It is shown not only to be the best condition of society, where it can be maintained, but that it is absolutely essential to the development of the rich resources of tropical climes, and the advancement of the trade and commerce of the world. Even in England, where fanaticism has so long ruled the policy of the government on this question, a great change of public sentiment has taken place, if we are to judge from the resolutions and proceedings of great commercial conventions held in Manchester and Liverpool, during the present year, and the editorials of the *London Times*. This journal, not only unequivocally condemns the system which abrogated slavery in the British West India possessions, but advocates a return thereto, and the establishment of some such system in the East India possessions, by the transportation thither of African labor. So great has become the necessities of the world for cotton alone—which can only be produced, to any considerable extent, by slave labor, and in Southern climes—that the suspension of involuntary servitude, for a single year only, would cause convulsions in all the governments of the civilized world, the disastrous results of which, it would be beyond human ken to foresee. It is only necessary for us to be true to ourselves, to preserve our institutions, and to be a great and prosperous people. The Union is not with us of the South, “a paramount political good,” however much we may, and do, desire its continuance under a strict adherence to constitutional provisions and guarantees. When these can no longer be maintained—or when further aggression upon, or denial of our rights is practiced by a dominant political power at the North—we have everything to gain, and nothing to lose, “by disrupting every tie” that binds us to the Confederacy.

Since writing the body of this communication, the country has experienced one of those pecuniary revulsions, the natural consequence of an inflated paper currency. We now realize the force and correctness of the reasons urged by the statesmen of the past, in opposition to a general system of paper money. The admonitions of wisdom, and the disastrous experience of the past have alike failed to save us from the pecuniary disaster and ruin which have come upon the country. Sooner or late the inherent defects of banking must inevitably produce the same results. The bright expectations held out by the interested projectors of banks, supported by subsidized presses, now, as in all past time, prove the veriest delusions. All classes are the sufferers, in some degree, for the folly and wickedness of the projectors and managers of the scheme. Two of the banks, chartered by the State, have failed to comply with the terms of their charters, and refuse to redeem their bank notes in coin. While I fully acknowledge the unsoundness of a general system of banking, I am not prepared to advise extreme measures against these banks, which have only done that which sensible men must have expected them to do in emergencies like the present. I conceive it to be the duty of the Legislature, however, to require a resumption of specie payments at some early period—not later than May, 1858. I cannot refrain from impressing the necessity of so amending the bank charters, as to prohibit the issue of bills of a less denomination than five dollars, and the circulation of bills of foreign banks of a less amount. We owe it to that portion of our fellow citizens of the State, who do not handle large bills, to protect them from the imposition of a small note currency. Banks, it is said, are necessary for commercial transactions. If so, commerce does not require the use of such small notes as are now issued, and which drive out of common circulation the smaller coins—the want of which is now so seriously oppressive to the smaller dealer, and in all light transactions of daily occurrence.

Owing to the derangement of the finances, the Mobile and Ohio Railroad company has not paid the installment which was required of it at this time. Believing the true interest of the State would not be advanced by a resort to coercive measures at this time, I have not enforced the last remedy. I am of the opinion that the general good will be promoted by permitting the company to pay up the debt in short installments, until the whole amount is liquidated.

I know of no important measure of legislation that will be required at your hands, which will long detain you from the enjoyment of the more pleasant relations of private life. In a few

days my connection with the legislation of the State will come to a close. It has been my fortune, in much of the legislation of the last four years, to differ with the legislative department. I endeavored to discharge my duty to the people of Alabama conscientiously, and have yet seen no cause to believe my course was injurious to the general welfare. With a lasting sense of gratitude to the people of the State, for the kindness and confidence they have ever extended to me, I shall retire from the obligations of official position.

Respectfully,  
JOHN A. WINSTON.

On motion of Mr. Fleming, the message was laid on the table and 5000 copies ordered to be printed.

Mr. Clitherall introduced a bill to abolish the laws against usury, which was read the first time and ordered to a second reading.

And the Senate adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY, Nov. 11, 1857.

The Senate met pursuant to adjournment.

Mr. President laid before the Senate the biennial report of the comptroller and State treasurer; whereupon, Mr. Storrs offered the following resolution:

*Resolved*, That the reports of the treasurer and comptroller, be referred to the joint committee, appointed to examine said offices, and that so many copies of the former, and such parts and number of the latter be printed, as the said committee in their opinion may deem necessary for the use of their respective bodies, and that they report to the Senate the number they deem necessary.

Message from the House by Mr. Elmore :

Mr. President: The House of Representatives has adopted the following resolution :

*Resolved*, With the concurrence of the Senate, the two houses will meet in convention in the hall of the House, to-morrow at 11 o'clock, for the purpose of counting the votes and declaring the election for Governor, held first Monday in August; also, the following resolution :

*Resolved*, That a committee of three on the part of the House, be appointed to act with a like committee on the part of the Senate, to adopt rules for the government of the two houses when in joint convention.

Messrs. Irby, Hale, and Smith of Lauderdale, were appointed said committee on the part of the House.

The first resolution mentioned in the message, was concurred in by the Senate.

Mr. Rowe, from the joint committee, appointed to draft rules for the government of the two houses when in convention, reported rules for that purpose.

Ordered that the same be laid on the table.

Mr. Deas presented the petition of sundry citizens of Mobile county, praying the charter of a bank ; which was referred to the committee on Banks and Banking.

Mr. Deas presented the petition of the president and directors of the Mobile and Ohio Railroad for extension of time, for payment of the State loan, which was referred to a select committee on the part of the Senate, composed of Messrs. Deas, Clitherall, and Rather, to act with a like committee on the part of the House.

Mr. Clitherall introduced a bill to consolidate the offices of tax collectors and assessors ; which was read the first time and ordered to a second reading.

Mr. President announced the following standing committees :

*On the Judiciary*—Messrs. Bullock, Rather, Clitherall, Felder, Agee, McSpadden, Bynum, Storrs, Jones of Fayette, and Lindsay.

*On Banks and Banking*—Messrs. Patton, Jemison, Jones of Greene, Deas, Austin, Abernathy, McSpadden, Woodward and Mitchell.

*On Federal Relations*—Messrs. Jones of Greene, Felder, Storrs, Rather, Bullock, Heflin, Fleming, Agee and McKinne.

*On Privileges and Elections*—Messrs. Bynum, Rayburn, Cocke, Griffin and Horn.

*On Propositions and Grievances*—Messrs. Hill, Burnett, Horn, Thaxton and Bynum.

*On Sixteenth Sections and Sixteenth Section Fund*—Messrs. Clitherall, Lindsay, Burnett, Abernathy, Cocke, Storrs and Heflin.

*On Education*—Messrs. Lindsay, Patton, Rowe, Agee, Thompson, Clitherall and Carter.

*On Divorce and Alimony*—Messrs. Mitchell, Lindsay, Carter, Thaxton and Hill.

*On Retrenchment*—Messrs. Abernathy, Crawford, McKenne, Thompson and Deas.

*On Accounts and Claims*—Messrs. Rowe, Woodward, Rayburn, Austin and Cocke.

*On the Penitentiary*—Messrs. Crawford, Hill, Horn, Thaxton and Bynum.

*On Agriculture*—Messrs. Austin, Griffin, Jones of Greene, McKenne and Rayburn.

*On County Boundaries*—Messrs. Jones of Fayette, Thompson, Rowe, Fleming and Carter.

*On State Printing*—Messrs. Agee, Clitherall, Heflin, Jones of Fayette, and Crawford.

*On Roads, Bridges and Ferries*—Messrs. Woodward, Mitchell, Deas, Heflin and Griffin.

*On the Military*—Messrs. Fleming, Rather, Austin, McSpadden, Mitchell and Bullock.

*On Enrolled Bills*—Messrs. McSpadden, Felder, Rowe, Jones of Fayette, and Thompson.

*On the State Capitol*—Messrs. Felder, Patton, Rowe, Horn and McKenne.

*On Finance and Taxation*—Messrs. Jemison, Bullock, Jones of Greene, and Bynum.

*On State Bank and Branches*—Messrs. Burnett, Jemison, Thaxton, Carter and Rayburn.

*On Internal Improvements and Inland Navigation*—Messrs. Rather, Patton, Crawford, Jemison, Hill, Thaxton, Cocke and Deas.

*On Corporations*—Messrs. Storrs, Cocke, Rayburn, McKinne and Heflin.

Mr. Deas introduced a bill for the incorporation of a bank.

Mr. Hill introduced a bill for the relief of administrators, executors and guardians; which were severally read the first time and ordered to a second reading.

Mr. Patton introduced the following resolution:

*Resolved*, That a committee of three be appointed by the president, to call on the clergymen of the several churches of this city, and request them to be in attendance each morning of this session to open the meeting of the Senate by prayer.

Mr. Clitherall moved a substitute as follows:

That the Senate will, on to-morrow morning, elect a chaplain, who shall receive four dollars per diem, for his services during the session.

The substitute was laid on the table, and the resolution adopted, and Messrs. Patton, Carter, and Woodward, appointed said committee.

The following message was received from the House of Representatives:

Mr. President: I am instructed by the House of Representatives, to invite the Senate into the hall of the House, for the purpose of counting the votes and declaring the election of Governor.



The President submitted the question, "Will the Senate now repair to the hall of the House?" Mr. Clitherall contended the question was not in order, as the constitution required that every joint resolution, order, &c., be sanctioned by the Governor.

The chair decided the question to be in order, from which decision, Mr. Clitherall appealed; ordered that the appeal be postponed until to-morrow.

The Senate repaired to the hall of the House, and the speaker of the House of Representatives, according to the requirements of the constitution, proceeded to open and publish the returns of the election for Governor in the presence of both Houses of the general assembly.

The result was as follows:

|                          |        |
|--------------------------|--------|
| For ANDREW B. MOORE..... | 41,847 |
| SCATTERING .....         | 2,447  |

Andrew B. Moore having received a majority of all the votes given,

Mr. Speaker, declared him duly and constitutionally elected Governor of the State of Alabama for the term prescribed by the constitution.

The Senate returned to its chamber.

Mr. Jones, of Fayette, introduced a bill to authorize justices of the peace, to issue garnishments to be executed in other counties of the State, which was read the first time and ordered to a second reading.

Mr. Bullock offered the following resolution:

*Resolved*, That the committee on Federal Relations be instructed to report as speedily as possible, joint resolutions expressive of the sense of the State of Alabama, in relation to the official course of Robert J. Walker, as Governor of Kansas, and to the right of the people of that territory, acting through their legally appointed convention to adopt such constitution as they may see fit; without dictation or interference from functionaries of the federal government, and with or without any subsequent ratification by the people, as in their judgment may be proper, and to demand admission into the Union as a State, with such constitution so adopted; *provided* only, that it is republican in its form.

Mr. Jemison offered the following amendment:

*And be it further resolved*, That the committee shall express their opinion as to the course of the present administration.

Mr. Felder moved to lay the amendment on the table; which was carried.

Yeas 25, nays 8.

Yeas—Messrs. President, Abernathy, Agee, Austin, Bullock,

Burnett, Bynum, Crawford, Deas, Felder, Fleming, Hill, Jones of Greene, Jones of Fayette, Lindsay, McKinne, McSpadden, Mitchell, Patton, Rather, Rayburn, Rowe, Thaxton, Thompson and Woodward.

Nays—Messrs. Carter, Clitherall, Cocke, Griffin, Heflin, Horn, Jemison and Storrs.

The resolution was adopted.

Yeas 30, nays 2.

Yeas—Messrs. President, Abernathy, Agee, Austin, Bullock, Burnett, Bynum, Carter, Clitherall, Cocke, Crawford, Deas, Felder, Fleming, Griffin, Heflin, Hill, Horn, Jemison, Jones of Greene, Lindsay, McKinne, McSpadden, Mitchell, Patton, Rather, Rayburn, Rowe, Storrs, Thaxton, Thompson and Woodward.

Nays—Messrs. Bynum, and Jones of Fayette.

Message from the House by Mr. Hames:

Mr. President: The House has adopted the following resolution:

*Resolved*, That a committee of three be appointed on the part of the House, to act with a like committee on the part of the Senate, to inform the Hon. A. B. Moore of his election to the office of Governor, and to enquire when it will be his pleasure to take the oath of office.

Messrs. Jones, Smith of Lauderdale, and Powell, committee on the part of the House.

The resolution was concurred in.

And Messrs. Rather, Jones of Greene, and Hill, were appointed said committee on the part of the Senate.

And the Senate adjourned until to-morrow morning, at 10 o'clock.

NOVEMBER 12, 1857.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Tichenor.

On motion of Mr. A. C. Jones,

*Resolved*, That Wm. L. Cain be appointed engrossing secretary of the Senate, for the present session of the Senate.

Mr. Jemison, from the committee appointed to draw up rules for the government of the Senate, reported accordingly.

The report was concurred in, and one hundred copies ordered to be printed.

On motion of Mr. McSpadden,

*Resolved*, That with the concurrence of the House, the two houses will meet in the House of Representatives on Saturday next, at 11 o'clock, a. m., for the purpose of electing a chancel-

lor of the middle chancery division of the State of Alabama, to fill the vacancy occasioned by the expiration of the term of service of the Hon. J. B. Clarke.

Mr. Rather, from the joint committee appointed by the two houses, to wait upon the Hon. A. B. Moore and inform him of his election as Governor, reported that he will be ready to take the oath of office and enter upon the discharge of his duties, on Thursday, the first day of December next.

Mr. Patton, from the committee appointed to invite the Rev. clergy of this city to open the sessions of the Senate by prayer, reported that the committee had discharged that duty, by calling on the Rev. I. T. Tichenor, of the Baptist church; the Rev. John Mitchell, of the Episcopal church; the Rev. F. L. B. Shaver, of the Protestant Methodist church; the Rev. T. W. Dorman, of the Methodist Episcopal church, and the Rev. G. H. W. Petrie, of the Presbyterian church—all of whom had kindly consented to discharge the duties assigned them by the Senate.

Bill introduced by Mr. Bullock:

To incorporate the city of Eufaula.

Mr. Griffin: For the benefit of witnesses residing out of the county in which the trial is pending.

Mr. Clitherall: In relation to suits against executors and administrators.

Mr. Clitherall: In relation to taking the deposition of witnesses.

Mr. Griffin: To change the manner of appointing overseers and apportioners of roads in the county of Russell.

Mr. Clitherall: To amend section 2313 of the Code of Alabama.

Also, to authorize the renunciation of the right to letters testamentary or administration.

Also, to amend the law of attachments against steamboats.

Mr. Cocke: For the relief of witnesses and jurors in certain cases in the county of Perry.

Also, to give the commissioners' court of Perry county authority to relieve James Didlake.

Mr. Rowe: To exempt certain property from levy and sale under execution.

Also, joint resolutions to change the constitution of the State of Alabama.

Mr. Clitherall: To amend the law in relation to bail in civil suits.

Also, to regulate the practice in certain suits commenced by attachment.

All of which were severally read and ordered to a second reading on to-morrow.

Mr. Mitchell presented the petition of Thomas Spikes, which was referred to the committee on Accounts and Claims.

Mr. Clitherall introduced a bill to authorize the successors of sheriffs and other officers, to make conveyances in certain cases; which was read the first time and ordered to second reading.

Mr. Abernathy offered the following resolution:

*Resolved*, That with the concurrence of the House of Representatives, the two Houses will meet in the hall of the House, on Monday next, the 16th instant, at 12 o'clock, M., for the purpose of electing a Senator to the Congress of the United States, to fill the vacancy occasioned by the expiration of the term of the Hon. C. C. Clay, Jr., on the 4th day of March, 1857.

Mr. Clitherall moved to postpone the resolution until to-morrow at eleven o'clock; which was lost.

Mr. Clitherall then moved to postpone the further consideration of the resolution until Saturday next, eleven o'clock, and that it be made the special order for that hour; which was carried.

Message from the House of Representatives:

Mr. President: The House concurs in the resolution of the Senate to appoint a committee of two, to act with a like committee on the part of the House, to state an account between the State of Alabama and the two and three per cent. funds. Messrs. Walden and Pennington have been appointed said committee on the part of the House.

Also concurs in the resolution to appoint a committee of three on the part of each House, to examine the offices of comptroller and treasurer; Messrs. Caldwell, Hale and Wood were appointed said committee on the part of the House.

The House has passed the Senate bill to extend the time of the Fall term, 1857, of the circuit court of Marengo.

Leave being granted, Mr. Clitherall withdrew the appeal taken on yesterday from the decision of the chair.

On motion of Mr. Clitherall,

*Resolved*, That the committee on the Judiciary be instructed to inquire whether section seventeen of the fourth article of the constitution is intended to apply to orders, resolutions, &c., not having the effect of law.

Mr. Cocke introduced a bill for the relief of Anderson Holmes, of Perry county.

Mr. Bynum introduced a bill requiring certain duties to be performed by the tax collector of Lawrence county.

Mr. Kinne introduced a bill to authorize James Whitehead to practice law in the several courts of this State.

Mr. Clitherall introduced a bill to amend the act of February

15, 1856, authorizing the issuance of attachments out of courts of chancery.

Also, a bill to amend section 2331 of the Code of Alabama.

Mr. Abernathy introduced a bill to lay off Benton county into four commissioners' districts, and other purposes.

All of which were severally read the first time, and ordered to a second reading on to-morrow.

Mr. Patton moved to reconsider the vote taken on yesterday on the resolution in regard to printing the reports of the comptroller and treasurer; which was carried, and the resolution was laid on the table.

On motion of Mr. Bynum,

Thirty-three hundred copies of each of the reports were ordered to be printed for the use of the Senate.

Mr. Lindsay introduced a bill to prohibit the judges of probate from stating accounts for executors, &c., which was read the first time and ordered to a second reading on to-morrow.

The Senate then proceeded to the consideration of the orders of the day :

A bill to reduce the taxes of the people of Alabama;

The bill in relation to the payment of taxes; and

The bill to consolidate the offices of tax assessors and tax collectors; which were severally read the second time, and referred to the committee on Finance and Taxation.

The joint resolutions to amend the constitutions of the State of Alabama.

The bill for the relief of Benjamin West, of Pickens county;

The bill to repeal the law requiring annual settlements by guardians, and other purposes;

The bill to repeal the law requiring judges of the circuit court to rotate or alternate in holding the circuit courts;

The bill to amend section 1776 of the Code;

The bill to provide for annual sessions of the General Assembly, and annual elections of Representatives thereto;

A bill to reduce the costs in the settlement of insolvent estates, and for other purposes;

A bill to authorize Lemuel A. Gilkey, judge of probate of Pickens county, to act as guardian of Walter M. Gilkey, a minor;

The bill to abolish the laws against usury; and

The bill to authorize justices of the peace to issue garnishment to be executed in the other counties of this State; were severally read the second time, and referred to the Judiciary committee.

The bill to destroy the bills of the State bank and branches,

was read the second time and referred to the committee on the State Bank and Branches.

A bill requiring apportioners of roads in Pickens county to appoint overseers, &c., was read the second time, and referred to the committee on Roads, Bridges and Ferries.

A bill to provide for the pay of jurors in Pickens county, was read a second time, and ordered to be engrossed.

A bill for the incorporation of a bank, was read a second time and referred to the committee on Banks and Banking.

A bill for the relief of executors, administrators and guardians was read a second time, and referred to the committee on Propositions and Grievances.

On motion of Mr. Cocke,

The Senate adjourned until to-morrow morning, ten o'clock.

NOVEMBER 13, 1857.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Dorman.

Mr. Rather moved to reconsider the vote taken yesterday on the resolution proposing to go into the election of chancellor on Saturday next.

The vote was reconsidered, and the resolution was laid on the table.

Mr. Felder introduced a bill to accept a grant of land to the State of Alabama, and to carry into execution the trust conferred upon the State of Alabama by an act of Congress entitled an act granting public lands in alternate sections, to the States of Florida and Alabama, to aid in the construction of certain railroads in said States, &c.

Mr. Abernathy introduced a bill to accept the grant and carry into execution the trust conferred upon the State of Alabama, by an act of Congress entitled, an act granting public lands in alternate sections to the State of Alabama, to aid in the construction of certain railroads in said State, &c.; which were severally read the first time and ordered to a second reading.

On motion of Mr. Bynum,

*Resolved*, That the committee on the Judiciary be instructed to examine the question of the constitutionality of the re-circulating by the government, (either by loaning out or paying out) the bills of the State bank and branches now in the treasury, and report their opinion thereon to the Senate.

Mr. Patton offered the following resolutions:

1. *Resolved*, That so much of the Governor's message as relates to the loans to the Mobile and Ohio Railroad company,

State indebtedness and usurious interest, be referred to the committee on Finance.

2. *Resolved*, That so much as relates to the commissioner and trustee for the State bank and branches and the notes of said bank and branches, be referred to the committee on State Bank and Branches.

3. *Resolved*, That so much as relates to the chartering of banks and the currency of this State, be referred to the committee on Banks and Banking.

4. *Resolved*, That so much as relates to insurance companies, lotteries, rotations of the circuit courts, exemptions of negro property from executions, amendments to the constitution, and local legislation, be referred to the committee on the Judiciary.

5. *Resolved*, That so much as relates to the military law be referred to the committee on the Military.

6. *Resolved*, That so much as relates to the penitentiary, be referred to the committee on the Penitentiary.

7. *Resolved*, That so much as relates to our relations with other States, be referred to the committee on Federal Relations.

8. *Resolved*, That so much as relates to education and the free school law, be referred to the committee on Education, and said several committees have leave to report, by bill or otherwise, on the matters in said message referred. All of which were adopted.

Mr. McSpadden, from the committee on Enrolled Bills, reported as correctly, an act to extend the Fall term, 1857, of the circuit court of Marengo county.

On motion of Mr. Bynum,

*Resolved*, That the committee on the State Capitol, be instructed to have the mantle pieces of the Senate chamber repaired.

Mr. Felder introduced a bill for the relief of Charles T. Pollard, and others.

Mr. Agee introduced a bill to enlarge the duties of justices of the peace.

Mr. Bullock introduced a bill to incorporate the Eufaula Insurance and Trust company.

Mr. Austin introduced a bill to regulate the pay of jurors and witnesses in the county of Jackson.

Mr. Horn introduced a bill to allow the Fall term of the circuit court for Coffee county to remain in session two weeks, which were severally read the first time, and ordered to a second reading.

Mr. Clitherall offered the following resolution :

*Resolved*, That, the House concurring, the two Houses will assemble in the Hall of the House of Representatives, on Monday,

the 16th instant, at 12 M., for the purpose of electing a Solicitor for the 7th judicial circuit, to fill the vacancy occasioned by the expiration of the term of service of Alfred E. Van Hoose, Esq.; which was adopted.

Mr. Carter introduced a bill to amend section 2165, of the Code.

Mr. Rowe introduced a bill for the relief of Simon B. Smith, late tax collector of Tallapoosa county, which was severally read the first time, and ordered to a second reading.

The Senate proceeded to the consideration of the orders of the day:

The bill to exempt certain property from levy and sale under execution;

The bill to regulate the practice in certain suits commenced by attachment;

The bill to amend the law in relation to bail in civil suits;

The bill to amend the laws of attachments against steamboats;

The bill to authorize the renunciation of the right to letters testamentary, or of administration;

The bill to amend section 2313 of the Code of Alabama:

Were read the second time, and severally referred to the Judiciary committee.

The bill to change the manner of appointing overseers and apportioners of roads in the county of Russell, was read the second time and referred to the committee on Roads, Bridges and Ferries.

The following bills were read the second time and referred to the Judiciary committee:

A bill in relation to taking the depositions of witnesses;

A bill in relation to suits against executors and administrators;

A bill for the benefit of witnesses residing out of the county in which the trial is pending;

A bill for the relief of witnesses and jurors in certain cases in the county of Perry;

A bill to authorize the successors of sheriffs and other officers, to make conveyances in certain cases;

A bill for the relief of Andrew Homes, of Perry county;

A bill to authorize James Whitehead to practice law in the several courts of this State;

A bill to amend the act of February 15, 1856, authorizing the issuance of attachments out of the courts of chancery;

A bill to amend section 2331 of the Code of Alabama;

A bill to lay off Benton county into four commissioners' districts, and for other purposes, was read the second time; and,



On motion of Mr. Thaxton, the bill was amended by adding the counties of Blount and St. Clair.

Mr. Agee then moved a reference to the committee on Roads, Bridges and Ferries, with instructions to report the expediency of passing a general law of the kind; which was carried, and the reference made.

The bill to prohibit judges of probate from stating accounts for executors &c., was read the second time, and referred to the Judiciary committee.

Message from the House by Mr. Hames:

Mr. President: The House has adopted the following resolution :

*Resolved*, That a committee of three be appointed to act with a like committee on the part of the Senate, to take into consideration the propriety of changing the seal of the State of Alabama, with leave to report by bill or otherwise.

Messrs. Hobbs, Hale and Clayton were appointed said committee on the part of the House.

The resolution was concurred in, and Messrs. Lindsay, Rather and Burnett, appointed said committee on the part of the Senate.

The bill requiring certain duties of the tax collector of Lawrence county was read the second time, and referred to the committee on Finance and Taxation.

Mr. Lindssy moved to instruct the committee to enquire into the expediency of reporting a general bill; which was carried.

The bill to give the commissioners' court of Perry county authority to relieve James Didlake, was read the second time and referred to the committee on the Judiciary.

The engrossed bill to provide for the pay of jurors in Pickens county, was read the third time.

Mr. Clitherall moved to amend by engrossed ryder; which was adopted.

Mr. Griffin moved to amend by extending the provisions of the bill to the county of Russell; which was adopted and the bill passed.

Mr. Clitherall offered the following resolutions:

*Resolved*, That on to-morrow at 10  $\frac{1}{2}$  o'clock, the Senate will proceed to classify its members according to the requirements of the constitution.

*Resolved further*, That thirty ballots be prepared by the secretary of the Senate, on sixteen of which shall be written the words "First Class," and on seventeen the words "Second Class," which ballots shall be folded up and put into a box, and the roll of the Senators shall be called, and each Senator shall draw a ballot, which, on being opened, shall designate the class to which he

shall belong, and if any Senator be absent, the President shall draw for him; and the clasification so made shall be recorded, and shall stand as the classification of the Sanate; which was adopted.

The bill to incorporate the city of Eufaula, was read the second time, and referred to the committee on Corporations.

The Senate then adjourned until to-morrow morning 10 o'clock.

NOVEMBER 14, 1857.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Shaver.

Mr. Clitherall gave notice that he would move to amend the 42d rule.

Mr. Felder introduced a bill to change the mode of preferring bills of indictment against defaulting overseers of roads.

Mr. Woodward introduced a bill to authorize L. V. Underwood to hire out the slaves of his wards, &c.

Mr. Mitchell introduced a bill to provide for a geological and agricultural survey of the State.

Mr. Clitherall introduced a bill to incorporate the Lubub Insurance company, of Pickens county.

Mr. Austin introduced joint resolutions, proposing an amendment to the constitution of the State of Alabama; which were severally read the first time and ordered to a second reading.

Mr. Austin presented the account of Clark Cross, for arresting Adam Scott; which was referred to the committee on Accounts.

Mr. Fleming introduced a bill to amend the present school law; which was read the first time and ordered to a second reading.

Mr. Bullock, from the committee on the Judiciary, reported the bill to authorize Lemuel A. Gilkey to act as guardian of Walter M. Gilkey, with an amendment; which was concurred in, and the bill ordered to be engrossed.

Mr. Hill, from the committee on Propositions and Grievances, to whom was referred the bill for the relief of exccutors, administrators and guardians, reported the same, and recommended its passage.

The report was laid on the table, and the bill referred to the committee on the Judiciary.

Mr. Bullock reported a substitute for the bill to reduce the costs in the settlement of insolvent estates.

The substitute was adopted and ordered to be engrossed.

In pursuance of the resolution adopted on yesterday, the bal-

lots were prepared in accordance with the constitution, and the Senators classified as follows:

- The Senator from the first district, first class.
- The Senator from the second district, first class.
- The Senator from the third district, second class.
- The Senator from the fourth district, first class.
- The Senator from the fifth district, second class.
- The Senator from the sixth district, first class.
- The Senator from the seventh district, second class.
- The Senator from the eighth district, first class.
- The Senator from the ninth district, second class,
- The Senator from the tenth district, first class.
- The Senator from the eleventh district, second class.
- The Senator from the twelfth district, second class.
- The Senator from the thirteenth district, second class.
- The Senator from the fourteenth district, second class.
- The Senator from the fifteenth district, first class.
- The Senator from the sixteenth district, second class.
- The Senator from the seventeenth district, second class.
- The Senator from the eighteenth district, first class.
- The Senator from the nineteenth district, second class.
- The Senator from the twentieth district, first class.
- The Senator from the twenty-first district, first class.
- The Senator from the twenty-second district, first class.
- The Senator from the twenty-third district, first class.
- The Senator from the twenty-fourth district, second class.
- The Senator from the twenty-fifth district, first class.
- The Senator from the twenty-sixth district, second class.
- The Senator from the twenty-seventh district, first class.
- The Senator from the twenty-eighth district, second class.
- The Senator from the twenty ninth district, first class.
- The Senator from the thirtieth district, second class.
- The Senator from the thirty-first district, second class.
- The Senator from the thirty-second district, second class.
- The Senator from the thirty-third district, first class.

Message from the House informing the Senate, that the House had passed a bill to require the president of the Tennessee and Coosa Railroad to report semi-annually to the Governor.

The bill was read the first time and ordered to a second reading.

A message was also received from the House, informing the Senate that the House had passed—

A bill to repeal in part an act therein named;

To provide for the location of the court house in the county of Bibb;

To repeal an act to amend the road laws in Cherokee, &c.

The bills were severally read the first time and ordered to a second reading.

The following bills were read the second time and referred to the Judiciary committee, viz :

A bill to be entitled an act to accept the grant and carry into execution the trust conferred upon the State of Alabama, by an act of Congress, entitled an act "granting public lands in alternate sections to the State of Alabama, to aid in the construction of certain railroads in said State," approved 3rd of June, 1856.

A bill to be entitled an act to enlarge the duties of justices of the peace ;

A bill to be entitled an act to regulate the pay of jurors and witnesses in the county of Jackson ;

The bill to be entitled an act to amend section 2165 of the Code of Alabama ;

The bill to be entitled an act for the relief of C. T. Pollard and others ;

The bill to be entitled an act to accept a grant of land to the State of Alabama, and to carry into execution the trust conferred upon the State of Alabama, by an act of Congress, entitled an act granting public lands in alternate sections to the States of Florida and Alabama, to aid in the construction of certain railroads in said States, approved May 17, 1856.

The joint resolutions to change the Constitution of the State of Alabama, striking out nine where it occurs in sections 16 and 17, in article 6, and insert six in lieu thereof ; and add, at the end of section 77, that in laying off any new county, the county-line shall not run in less than ten miles of the county-sites of any of the counties said new county is taken from, &c., was read the second time and referred to the Judiciary committee.

The bill for the relief of Simon B. Smith, late tax collector of Tallapoosa county, was read the second time and referred to the committee on Finance and Taxation.

The bill to allow the Fall term of the circuit court for Coffee county to remain in session two weeks at its Fall term, was read the second time and referred to a Select committee of Senators from the 8th judicial circuit.

The bill to incorporate the Eufaula Insurance and Trust Company, was read the second time and referred to the committee on Corporations.

The special order for this day at 12 o'clock, M., was taken up, viz :

For the election of a United States Senator, to fill the vacancy

occasioned by the expiration of the term of Hon. C. C. Clay, jr., on the 4th day of March, 1859.

Mr. Rowe moved to strike out Monday, the 16th inst., and insert Friday next.

After argument, the motion, with leave of the Senate, was withdrawn.

Mr. Patton then moved to strike out Monday, the 16th inst., and insert Saturday, the 21st inst. next; which amendment was carried.

The yeas and nays being called for, the following Senators voted in the affirmative, viz:

Messrs. President, Agee, Bullock, Bynum, Carter, Clitherall, Deas, Griffin, Horn, Jones of Greene, Jones, of Fayette, Lindsay, McKinne, Patton, Rather, Rowe, Thompson and Woodward—18.

Nays—Messrs. Abernathy, Austin, Burnett, Cocke, Crawford, Felder, Fleming, Heflin, Hill, Jemison, McSpadden, Mitchell, Rayburn, Storrs and Thaxton—15.

Mr. Clitherall then moved to postpone until Monday, the 21st day of December next.

The yeas and nays being called for, the following Senators voted in the affirmative:

Messrs. Bynum, Clitherall, Griffin, Jemison, Patton and Rather—6.

Nays—Messrs. President, Abernathy, Agee, Austin, Bullock, Burnett, Carter, Cocke, Crawford, Deas, Felder, Fleming, Heflin, Hill, Horn, Jones of Green, Jones of Fayette, Lindsay, McKinne, McSpadden, Mitchell, Rayburn, Rowe, Storrs, Thaxton, Thompson and Woodward—27.

The motion was lost.

Mr. Lindsay then moved to postpone the further consideration of the subject until Monday next; which motion was lost.

Mr. Clitherall then moved to postpone the consideration of the matter indefinitely; and thereupon the yeas and nays were called, and the following Senators voted:

Yeas—Messrs. Bynum, Carter, Clitherall, Griffin, Jemison, Patton, Rather and Woodward—8.

Nays—Messrs. President, Abernathy, Agee, Austin, Bullock, Burnett, Cocke, Crawford, Deas, Felder, Fleming, Heflin, Hill, Horn, Jones of Greene, Jones of Fayette, Lindsay, McKinne, McSpadden, Mitchell, Rayburn, Rowe, Storrs, Thaxton and Thompson—25.

Mr. Clitherall then moved the following amendment to said resolution:

Also a Senator of the United States Congress, to fill the va-

cancy which will be occasioned on the 4th of March, 1861, by the expiration of the term of service of the Hon. Benjamin Fitzpatrick; which was laid on the table.

Leave of absence was then granted to the Hon. A. B. Griffin, of Russell, until Tuesday next, 12 o'clock.

Pending the discussion a message was received, by Mr. Weaver, from His Excellency the Governor, as follows:

EXECUTIVE CHAMBER,  
November 14, 1857. }

Mr. President:—His Excellency the Governor has examined the bill that originated in and passed the Senate, to extend the Fall term, 1857, of the circuit court of Marengo, and approved the same. (Signed)

JAMES C. WEAVER,  
Private Secretary.

On motion of Mr. President, (Mr. Rather in the Chair,)

The further consideration of the resolution was postponed until Monday next, the 16th inst., and made the special order for 11 o'clock.

On motion of Mr. Clitherall,

The Senate then adjourned until Monday at 10 o'clock, A. M.

MONDAY, November 16, 1857.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Hill.

The following bills were severally read the first time, and ordered to a second reading on to-morrow:

Mr. Clitherall: A bill to grant to Pickens county certain escheated estates, to aid in building a new court house for said county;

A bill to provide an efficient patrol for Pickens county;

Mr. Lindsay: To empower courts of probate to marshal assets, and for other purposes;

Mr. Lindsay: To amend the attachment laws;

Mr. Rather: For the relief of Laurence S. Banks, of the county of Morgan.

The Senate then took up the proposition of Mr. Clitherall, to amend rule 42, by striking out the words, "and for the previous question," in the fifth line, add to said rule the words, "except the motion to lay on the table, bills or joint resolutions having the force of laws, as to which discussion shall not be precluded, unless the Senate, by a vote of four-fifths, otherwise order."

Mr. Jones, of Greene, moved a division of the question, which

motion was carried; and it was first taken on striking out the words, "and for the previous question;" which was carried.

The vote was then taken on the latter clause of the proposition, and lost.

Mr. Patton presented the report of Wm. F. Perry, Superintendent, &c., which was referred to the committee on Education.

#### ORDERS OF THE DAY.

The Senate then proceeded to the consideration of the orders of the day.

The following bills were severally read the second time and referred to the Judiciary committee:

To change the mode of preferring bills of indictment against defaulting overseers;

To authorise L. V. Underwood to hire out the slaves of his wards, in certain counties in Mississippi;

Also, House bill to repeal in part an act therein named; and joint resolution proposing an amendment to the Constitution of the State of Alabama.

The bill to repeal an act to provide for a geological and agricultural survey, was read a second time and referred to the committee on Agriculture.

The bill to incorporate the Lubub Insurance Company of Pickens county, was read the second time and referred to the committee on Corporations.

The bill to amend the present school law, was read the second time and referred to the committee on Education.

#### Engrossed bills:

The bill to reduce costs in the settlement of insolvent estates, was read the third time and passed; also,

The bill to authorise Lemuel A. Gilkey, judge of probate for Pickens county, to act as guardian for Walter M. Gilkey, a minor, was read a third time and passed.

House bills of the following titles were severally read the second time and referred to the respective committees:

The bill to require the President of the Tennessee and Coosa Railroad to report semi-annually to the Governor, &c., was read the second time and referred to the committee on Internal Improvements and Inland Navigation;

The bill to provide for the location of the court house in the county of Bibb, was read the second time and referred to a special committee, composed of Messrs. Cocke, Jamison and Clithrell.

Mr. McSpadden offered the following resolution, which was adopted :

*Resolved*, That with the concurrence of the House, the two houses shall meet in the hall of the House on Tuesday, the 17th instant, at 11 o'clock for the purpose of electing a chancellor for the middle chancery division of Alabama, to fill the vacancy occasioned by the expiration of the term of service of Hon. J. B. Clarke.

The special order for this day, at 11 o'clock, to wit :

The joint resolution to bring on the election of a Senator to the Congress of the United States, on Saturday, the 21st instant, at 11 o'clock, to fill the vacancy occasioned by the expiration of the term of Hon. C. C. Clay, Jr., on the 4th of March, 1859, was taken up and adopted.

Yeas 22, nays 9.

Yeas—Messrs. President, Abernathy, Agee, Austin, Bullock, Burnett, Cocke, Crawford, Deas, Felder, Fleming, Horn, Jones of Greene, Jones of Fayette, McKinne, McSpadden, Mitchell, Rayburn, Rowe, Storrs, Thaxton and Thompson—22.

Nays—Messrs. Bynum, Carter, Clitherall, Hill, Jemison, Lindsay, Patton, Rather and Woodward—9.

House bill :

To repeal an act to amend the road laws in Cherokee county, approved second February, 1856, was read the second time and referred to the Judiciary committee.

Message from the House by Mr. Hames :

Mr. President: The House of Representatives has amended the resolution of the Senate to bring on the election of solicitor for seventh judicial circuit, by striking out Monday 16th, and inserting Saturday, the 21st, of November, 1857, and has concurred in the resolution as amended.

The House has originated and passed bills of the following titles :

To repeal an act changing the time of holding the circuit courts of Jefferson and St. Clair, and extending the time for the county of St. Clair ;

To repeal an act entitled an act to amend the road law in Henry county ;

To extend the Fall term of the court of Covington county ;

Declaring Alfred Hodges a citizen of Covington county ;

To elect the county surveyor and treasurer of the county of Hancock, by the people.

The bills mentioned in the message were severally read the first time and ordered to a second reading on to-morrow.

The resolution as amended in the House, was concurred in.



Mr. Clitherall offered the following resolution, which was adopted :

*Resolved, By the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the people of Alabama have witnessed with pride and gratification the course pursued by the Hon. Benjamin Fitzpatrick, and the Hon. Clement C. Clay, their Senators in the Congress of the United States, upon all the questions which have arisen in the federal legislature since their connection therewith, and that as the representatives of the people, this General Assembly do hereby endorse the course of their said Senators.*

On motion of Mr. Felder, the following resolution was adopted :

*Resolved, That so much of the message of the Governor as relates to the employment of counsel by the Governor, to represent the State in the case of the Mobile and Ohio Railroad company versus the State of Alabama, be, and is hereby referred to the Judiciary committee, with instructions to examine witnesses on oath, and to report a bill to compensate the counsel employed by the Governor, and to allow such sum as shall be reasonable for the services rendered.*

Mr. Abernathy offered the following resolution, which was adopted :

*Resolved, That the House concurring, there be appointed a joint committee of the two Houses, consisting of three on the part of the Senate, and five on the part of the House, to whom shall be referred all joint resolutions, proposing to alter or change the constitution, which said committee shall report their action to their respective bodies.*

Messrs. Clitherall, Rather and Storrs, said committee on the part of the Senate.

Mr. Cocke from the select committee to whom was referred the bill to provide for the location of the court house in the county of Bibb, reported the same back with sundry amendments, and recommended its passage, as amended.

The report was concurred in, amendments adopted, and bill ordered to a third reading on to-morrow.

On motion of Mr. Clitherall—

*Resolved, That the Senate will, as a body, attend the exhibition of the State Agricultural Society, on a day or days hereafter to be designated.*

And the Senate adjourned until to-morrow morning, 10 o'clock.

TUESDAY, November 17, 1857.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Mitchell.

Mr. President laid before the Senate a communication from Mr. John Whiting, commissioner and trustee, asking the appointment of a joint committee on the affairs of the State bank and branches. Whereupon,

Mr. Jemison offered the following resolution; which was adopted:

*Resolved, by the Senate,* That with the concurrence of the House of Representatives, the communication of John Whiting, commissioner and trustee, be referred to a Joint committee consisting of three members on the part of each House, with authority to advise and consult with him, and to report to their respective houses, at such time as they may deem proper.

Messrs. Jemison, Patton, and Jones of Greene, were appointed the committee on the part of the Senate.

Mr. Agee introduced a bill more effectually to secure the attendance of witnesses in chancery suits; which was read the first time and ordered to a second reading.

Mr. President (Mr. Clitherall in the chair) introduced a bill in relation to the suspension of specie payments, by the Commercial bank at Selma.

Mr. Jones, of Greene, moved to strike out "five" before dollars in the last line of the bill, and insert ten.

Mr. Lindsay moved to refer the bill, with instructions to the committee to enquire into the expediency of amending said bill, so as to require said bank to redeem at all times any bills of said bank held by the State of Alabama; which was carried, and the bill so referred.

Mr. Woodward introduced a bill for the relief of Joshua Lyon, tax collector of Sumter county.

Mr. Burnett introduced a bill to change the mode of assessing the tax of Butler county; which were severally read the first time and ordered to a second reading.

Mr. Bullock reported adversely on the bill to repeal the law requiring annual settlements by guardians, &c.

The report and bill were laid on the table.

Mr. Bullock reported favorably on the bill to accept a grant of land to the State of Alabama, &c.

The bill was referred to the committee on Internal Improvement and Inland Navigation.

Mr. Bullock reported favorably on the bill for the relief of Charles T. Pollard and others.

The bill was ordered to be engrossed.

Mr. Rowe, from the committee on Accounts and Claims, reported a bill in favor of the account of J. J. Ormand and A. J.

Nicholson, for services rendered the State; which was read the first time and ordered to a second reading.

Mr. Jones, from the committee on Federal Relations, to whom was referred the resolution instructing them to report resolutions expressive of the sense of the State of Alabama, in relation to the official course of Robert J. Walker, as Governor of Kansas, &c., reported resolutions in accordance with said instructions; which were read the first time and ordered to a second reading on to-morrow.

Mr. Horn, from the select committee, composed of the senators of the eighth judicial circuit, to whom was referred the bill to allow the Fall term of the circuit court for Coffee county, to remain in session two weeks of its Fall term, reported the bill back without amendment and recommended its passage.

Said report was concurred in, and the bill ordered to be engrossed for a third reading on to-morrow.

Mr. Lindsay offered the following resolution; which was adopted:

*Resolved*, That with the concurrence of the House of Representatives, the two houses shall meet in convention in the hall of the House of Representatives, at 12 o'clock, M., on Saturday the 21st inst., for the purpose of electing a solicitor for the ninth judicial circuit.

#### ORDERS OF THE DAY.

The Senate then proceeded to the consideration of the orders of the day.

House bills of the following captions were severally read the second time and referred to the Judiciary committee;

The bill to extend the Fall term of the circuit court of Covington county;

Declaring Alfred Hodges a citizens of Covington county;

A bill to repeal an act entitled an act amending the road law in Henry county, was read the second time and was referred to the committee on Roads, Bridges and Ferries;

A bill to repeal an act changing the time of holding the circuit courts of Jefferson and St. Clair, and extending the time for the county of St. Clair, was read the second time and referred to a select committee, composed of the Senators from the third judicial circuit;

House bill:

To elect the county surveyor and the county treasurer of Hancock county by the people, was read the second time and ordered to a third reading;

House bill :

To provide for the location of the court house in the county of Bibb; was read the third time and passed.

Senate bill :

To grant to Pickens county certain escheated estates, to aid in building a new court house for said county; was read a second time and referred to the committee on Finance and Taxation.

The following Senate bills were severally read the second time and referred to the Judiciary committee:

To provide an efficient patrol for Pickens county ;

To empower courts of probate to marshal assets, and for other purposes ; and

To amend the attachment laws.

Senate bill :

For the relief of Lawrence S. Banks of the county of Morgan ; was read the second time and referred to the committee on Propositions and Grievances.

Mr. Rather offered the following resolution, which was adopted :

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of repealing section 24th of the Code of Alabama.

Mr. Storrs, from the committee on Corporations, reported an amendment to the bill to incorporate the city of Eufaula as therein shown and numbered, and recommended the passage of the bill with the amendment.

The report was concurred in, and the bill ordered to be engrossed.

Message from the House by Mr. Hames :

Mr. President: The House concurs in the following Senate resolution, to wit:

*Resolved*, That with the concurrence of the House of Representatives, the two houses will meet in the hall of the House of Representatives, on Saturday the 21st instant, at 11 o'clock, A. M., for the purpose of electing a senator to fill the vacancy occasioned by the expiration of the term of the Hon. C. C. Clay, jr., on the 4th day of March, 1859.

The House has also originated and passed the following bill :

To divorce Elizabeth Reeks from her husband Alfred Reeks ; which bill was read the first time and ordered to a second reading on to-morrow.

Mr. Bullock, from the Judiciary, reported against the bill to repeal the laws against usury.

Mr. Clitherall moved to amend the bill with sundry amendments as therein shown, with the further motion to postpone the

Further consideration of the question until Monday next, the 23d instant, and that it be made the special order after disposing of the morning business; which was carried.

The Senate then adjourned until to-morrow morning 9 1-2 o'clock.

NOVEMBER, 18 1857.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Petrie.

Mr. A. C. Jones introduced a bill to amend section 1159 of the Code.

Mr. A. C. Jones introduced a bill to authorize A. M. Lewis of Marengo county, to erect gates across a certain public road.

Mr. McSpadden introduced a bill to regulate the fees of the probate judge of Cherokee county in granting marriage license.

Mr. Patton introduced a bill to remove the Culbert shoals in the Tennessee river; which were severally read the first time and ordered to a second reading.

Mr. President laid before the Senate a communication from N. B. Cloud, secretary of the State Agricultural Society, inviting the honorable body to visit on this day, the 19th instant, at 10 o'clock.

Mr. Jemison offered the following resolution, which was adopted:

*Resolved*, That the Senate accept the invitation of the Alabama State Agricultural Society, to attend their fair on to-morrow, and that when we adjourn to-day that we adjourn to meet on Friday on 20th inst., at 9 o'clock, A. M.; and that a committee of three be appointed by the president, to act with a like committee on the part of the House, to make the necessary arrangements for the procession.

Messrs. Jemison, Clitherall, and Bynum, were appointed the committee on the part of the Senate.

Mr. Rather, from the Judiciary committee, reported a substitute for the bill for the relief of witnesses and jurors in certain cases therein specified; which was read, and upon motion, re-committed to the Judiciary committee with instructions.

Mr. Bullock, from the Judiciary, reported a substitute for the bill to exempt certain property from levy and sale under execution; which was adopted and read the second time and ordered to be engrossed.

Mr. Bullock, from the same committee, reported the following amendments to the bill to authorize James Whitehead, of Dale, to practice law: Add the words, "in all other respects," after

the word Code, and the bill with amendments was recommitted to the Judiciary, with instructions.

Mr. Bullock, from the same committee, reported adversely to the bill to farther authorize the renunciation of the right to letters testamentary, and which report was concurred in.

Mr. Bullock, from the same committee, to whom was referred the bill to amend the law of attachment against steamboats, reported favorably, and the bill was ordered to be engrossed.

Mr. Bullock reported unfavorably on the bill to authorize justices of the peace to issue garnishment to be executed in other counties. The report was concurred in.

Mr. Bullock reported adversely on the bill to amend section 1676 of the Code.

On motion of Mr. Fleming, the bill was referred to a select committee composed of Messrs. Fleming, Agee and Rather.

Message from the House informing the Senate that the House had concurred in the resolution of the Senate, proposing that the two Houses do adjourn to-day to meet on Friday, the 20th inst., at nine o'clock, A. M., for the purpose of attending the State Fair, and had appointed Messrs. Hale, Smith of Lauderdale, and Tate, a committee on the part of the House.

Mr. Rowe reported a bill to compensate Clark Cross, for services, which was read the first time, and ordered to a second reading.

Mr. Storrs, from the committee on Corporations, reported the bill to incorporate the Eufaula Insurance and Trust company, with sundry amendments.

The report and bill were postponed until Monday next, and made the special order for 11 o'clock of that day.

The Senate took up the orders of the day.

The bill more effectually to secure the attendance of witnesses in chancery suits, was read the second time and referred to the committee of the Judiciary.

The bill for the relief of Joshua Lyon, tax collector of Sumter county, was read the second time, and referred to the committee on Finance and Taxation.

Joint resolutions in relation to Kansas affairs, was read the second time, and made the special order for Monday next at 11 o'clock.

Message from the House by Mr. Hames, informing the Senate that the House had concurred in the resolution to appoint a joint committee to consult with John Whiting, commissioner and trustee, and had appointed Messrs. Jones, Hale and Wood, committee on the part of the House.

Also, informing the Senate that the House concurred in the

resolution of the Senate, proposing to elect a chancellor for the middle chancery division, by striking out Tuesday, the 17th, and inserting Saturday, the 21st inst., at 11 o'clock A. M.

The amendment of the House was concurred in ;

The bill to exempt certain property from levy and sale ;

The bill for the relief of C. T. Pollard and others ;

The bill to allow the Fall term of the circuit court of Coffee county, to remain in session two weeks of its Fall term ;

The bill to repeal an act to change the mode of assessing the tax of Butler county ;

The bill to give the commissioners' court of Perry county, authority to relieve James Didlake ;

The bill to amend the law of attachments against steamboats ;

To compensate J. J. Ormond and A. S. Nicholson, for services rendered the State, were severally read the second time, and ordered to be engrossed.

And the Senate adjourned.

SENATE, November 20, 1857.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Dorman.

Mr. Thaxton introduced a bill to be entitled "an act to reorganize the judicial circuits of the State of Alabama, which was read the first time and ordered to a second reading on to-morrow.

#### ORDERS.

The Senate then proceeded to the consideration of the orders of the day.

The following bills were severally read the third time and passed :

House bill :

To elect the county surveyor and the county treasurer of Hancock county by the people ;

Senate bills :

To compensate J. J. Ormond and A. S. Nicholson, for services rendered the State ;

To amend the laws of attachment against steamboats ;

To give the commissioners' court of Perry county authority to relieve James Didlake ;

To repeal an act to change the mode of assessing the tax of Butler county ;

To allow the Fall term of the circuit court for Coffee county, to remain in session two weeks of its Fall term ;

For the relief of C. T. Pollard and others ;

To exempt certain property from levy and sale.

House bill :

To divorce Elizabeth Reeks from her husband, Alfred Reeks, was read the second time, and referred to the committee on Divorce and Alimony.

Mr. Clitherall moved to amend the caption of the bill "to allow the Fall term of the circuit court for Coffee county, to remain in session two weeks of its Fall term," by striking out the words "of its Fall term," which was adopted, and the caption so amended.

The bill to authorize A. M. Lewis, of Marengo county, to erect gates across a certain public road, was read the second time and referred to the committee on Roads, Bridges and Ferries.

The bill to repeal an act to regulate the fees of the probate judge of Cherokee county, in issuing marriage license, was read the second time and ordered to be engrossed.

The bill to amend section 1159 of the Code was read the second time, and referred to the committee on Roads, Bridges and Ferries.

The bill to remove the Colbert shoals in the Tennessee river, was read the second time, and referred to the committee on Internal Improvements and Inland Navigation.

On motion of Mr. Clitherall, the bill to repeal the law requiring annual settlements of guardians, and for other purposes, was taken from the table, and Mr. Clitherall moved to commit the bill to a select committee of three, which was lost.

The bill was then, on motion, laid on the table.

Mr. Jemison offered the following resolution, which was adopted :

*Resolved*, That the committee on State printing, enquire into and report to the Senate, the present condition of the report of the late State Geologist, ordered to be printed by the last General Assembly.

Mr. Storrs introduced a bill to be entitled an act to provide for certain expenses of the government, which was read the first time and ordered to a second reading.

On motion, the constitutional rule was suspended and the bill read the second time.

Mr. Jemison moved to amend the bill as follows: Strike out the amount of "six hundred and sixty-five dollars," where it occurs, and insert in lieu thereof, the sum of "thirteen hundred and thirty dollars;" also, strike out the word "five" where it occurs, and insert in lieu thereof the word "ten," which amendments were adopted, and the bill ordered to be engrossed for a third reading on to-morrow.



Mr. Storrs moved to reconsider the vote concurring in the report of the Judiciary committee, against the "bill for the benefit of witnesses residing out of the county in which the trial is pending; which was carried.

Mr. Griffin then moved to lay the said report on the table, which motion was lost; and the report was then concurred in.

The Senate then adjourned until to-morrow morning 10 o'clock.

SATURDAY, November 21, 1857.

The Senate met pursuant to adjournment.

Mr. Crawford presented the account of Thomas H. Ferguson, jailor of Coosa county, which was referred to the committee on Accounts and Claims.

Mr. Rather introduced a bill to be entitled an act to vest in the Tennessee and Alabama Central Railroad company, certain lands granted by Congress in trust to the State of Alabama, to aid in the construction of the Tennessee and Alabama Central Railroad, which was read the first time, and ordered to a second reading on to-morrow.

Mr. Woodward, from the committee on Roads, Bridges and Ferries, reported favorably on the bill requiring apportioners of roads in Pickens county to appoint overseers, and for other purposes. The report was concurred in, and the bill ordered to be engrossed.

Mr. Woodward, from the same committee, reported favorably on the bill to change the manner of appointing overseers and apportioners of roads in the county of Russell, and recommended its passage with the amendment as to the county of Jackson; the report was concurred in, and the bill ordered to be engrossed.

Mr. Woodward, from the same committee, reported favorably on the bill to lay off Benton county into four commissioners' districts, and for other purposes, and recommended the passage of the bill with the amendment "as to the counties of Blount and St. Clair." The report was concurred in and the bill ordered to be engrossed.

Mr. Woodward, from the same committee, reported favorably on the House bill to repeal an act entitled an act amending the road law in Henry county. The report was concurred in and the bill ordered to a third reading on to-morrow.

Mr. Deas introduced a bill to be entitled an act in relation to specie payments by the Mobile Savings Association; which was read the first time and ordered to a second reading on Monday next.

Mr. Burnett, from the committee on State Bank and Branches, reported the following amendments to the bill to destroy the bills of the State bank and branches, viz: After the word "denomi-

nations," in section two, insert the words "letters, numbers, dates, &c.," as far as the same can be ascertained; which report with the amendment was laid on the table.

Message from the House by Mr. Hames:

Mr. President: The House of Representatives has amended the following Senate resolution, by striking out the hour of 12, and inserting 11:

*Resolved*, That with the concurrence of the House of Representatives, the two Houses will assemble in the hall of the House of Representatives on Saturday, the 21st instant, at 12 o'clock *m.*, for the purpose of electing a solicitor for the ninth judicial circuit; and have adopted the resolution as amended.

Which said resolution with the amendment was concurred in.

Mr. Rather, from the committee on the Judiciary, to whom was referred the bill for the relief of witnesses and jurors, in certain cases therein specified, reported a substitute therefor, and recommended its passage. The report was concurred in, and the bill ordered to be engrossed.

Mr. Rather, from the same committee, reported a substitute for the bill to authorize the successors of sheriffs to make conveyances in certain cases, and recommended its passage. The report was concurred in, substitute adopted, and ordered to be engrossed.

House bill:

Mr. Clitherall, from the Judiciary, reported a substitute for the bill to extend the Fall term of the circuit court of Covington county; which report was concurred in, substitute adopted, and bill ordered to a third reading on to-morrow.

Mr. Bullock, from the Judiciary, to whom was referred the bill to amend the law in relation to bail in civil suits, reported favorably thereon; which report was concurred in, and bill ordered to be engrossed.

Mr. Bullock, from the same committee, reported adversely to the bill in relation to suits against executors and administrators.

Concurred in.

Mr. Bullock, from the same committee, reported the bill to authorize James Whitehead to practice law in the several courts in this State, with the following amendments, and recommended its passage, viz: Add the words "in all other respects" after the word "Code"; second, add after the words "in all other respects" "Provided that he shall be subject to all the liabilities imposed by law upon attorneys-at-law, as fully as if he had attained the age of twenty-one years"; which report was concurred in, and the bill ordered to be engrossed.

Mr. Bullock, from the same committee, reported favorably on the bill to amend section 2331 of the Code of Alabama. The report was concurred in, and the bill ordered to be engrossed for a third reading on Monday.

Mr. Bullock, from the Judiciary committee, reported favorably on the House bill to repeal an act to amend the road law in Cherokee county, approved February 2, 1856. The report was concurred in and the bill ordered to a third reading on Monday.

Mr. Bullock, from the same committee, reported favorably on the House bill to repeal, in part, an act therein named. The report was concurred in, and the bill ordered to a third reading on Monday.

Mr. Bullock, from the same committee, reported favorably on the bill to prohibit judges of probate from stating accounts for executors, &c., and upon,

Motion of Mr. Jemison,

The consideration of the bill was postponed until Tuesday next, at 11 o'clock A. M., and made the special order for that hour.

Mr. Fleming called for the yeas and nays.

Those who voted in the affirmative, are :

Messrs. President, Bullock, Bynum, Carter, Clitherall, Crawford, Deas, Hill, Horn, Jemison, Jones of Fayette, Lindsay, Patton, Rather, Rowe, Storrs and Thompson—17.

Those who voted in the negative, are :

Messrs. Abernathy, Agee, Austin, Burnett, Cocke, Felder, Fleming, Griffin, Heflin, Jones of Greene, McKinne, McSpadden, Mitchell, Rayburn, Thaxton and Woodward—16.

Message from the House by Mr. Hames :

Mr. President : I am directed by the House of Representatives to invite the Senate into the hall of the House of Representatives for the purpose of holding an election ; first, for a solicitor of the seventh judicial circuit ; second, to elect a United States Senator to fill the vacancy occasioned by the expiration of the term of office of Hon. C. C. Clay, jr., on the 4th of March, 1859 ; third, to elect a chancellor for the middle chancery division of the State of Alabama, to fill the vacancy occasioned by the expiration of the term of office of Hon. James B. Clark ; fourth, to elect a solicitor for the ninth judicial circuit.

The Senate forthwith repaired to the Hall of the House of Representatives, and the two Houses in convention proceeded to the election of, first, a solicitor of the seventh judicial circuit ; Messrs. A. E. Van Hoose and Thos. Cobb being in nomination.

Those who voted for Mr. Cobb, are :

Messrs. Heflin, Hill, Rowe, Thompson and Woodward, of the

Senate; and Messrs. Aldridge, Allen, Baskins, Bell of Talladega, Boatright, Bulger, Colbert, Cullum, Hammonds, Herndon, Houston, Jeter, Johnson of Tallapoosa, Mabry, Martin of Dale, Molton, Murphy of Henry, Nelson, Pennington, Pynes, Register, Richardson of Cherokee, Simpson, Slade, Smith of Randolph, and Weaver, of the House—31.

Those who voted for Mr. Van Hoose, are:

Messrs. President, Abernathy, Agee, Austin, Bullock, Burnett, Bynum, Carter, Clitherall, Cocke, Crawford, Deas, Felder, Fleming, Griffin, Horn, Jemison, Jones of Greene, Jones of Fayette, Lindsay, McKinne, McSpadden, Mitchell, Patton, Rather, Rayburn, Storrs and Thaxton, of the Senate; and Messrs. Speaker, Adams, Baugh, Bell of Franklin, Bennett, Bradley, Brewer, Brock, Browder, Brown of Marion, Brown of Tuscaloosa, Caffee, Caldwell, Carey, Clarke, Clayton, Cloud, Coleman, Denman, Dillard, Drummond, Echols, Edwards, Espy, Eustace, Flournoy, Goode, Griffin, Hale, Harris, Hobbs, Holly, Huckabee, Irby, Jackson, Johnston of Perry, Jones, Kennedy, Lesueuer, Little, Majors, Mardis, Martin of Talladega, McCall, McGhee, McRae, Morgan, Murphree of Pike, Nabors, Neal, Parker, Powell, Reedus, Reid, Remson, Richardson of Monroe, Scarborough, Scott, Sheffield, Smith of Jefferson, Smith of Lauderdale, Staton, Stiff, Talley, Tate, Thompson, Walden, Warren, Williamson, Wood and Wright, of the House—99

Mr. Van Hoose having received a majority of all the votes given, Mr. Speaker declared him to be duly and constitutionally elected solicitor of the seventh judicial circuit, for the term prescribed by law.

The two Houses in joint convention proceeded to the election of a United States Senator for the term of six years, from the 4th day of March, 1859.

Hon. Clement C. Clay, jr., of Madison, alone being in nomination, and having received all the votes given, to wit: 130, he was declared by Mr. Speaker to have been duly and constitutionally elected a senator in the Congress of the United States, from the State of Alabama, for the term prescribed by the constitution.

Messrs. Chamberlain and Smith, of Coosa, being absent, and there being a vacancy from the county of DeKalb, the two Houses, in convention, proceeded to the election of a chancellor for the middle chancery division of the State of Alabama.

Messrs. James B. Clark, of Green, Z. L. Nabors, of Pickens, J. H. Crawford, of Dallas, and A. H. Nickolson, of Tuscaloosa, being in nomination.

Those who voted for Mr. Clark, are:

Messrs. Abernathy, Bullock, Bynum, Carter, Cocke, Crawford,

Fleming, Griffin, Heflin, Hill, Horn, Jemison, Jones of Greene, Lindsay, McKinne, McSpadden, Mitchell, Patton, Rowe, Storrs, Thaxton, Thompson, and Woodward, of the Senate; and Messrs. Aldridge, Bell of Franklin, Bennett, Bradley, Brewer, Bulger, Calfee, Clarke, Cloud, Dillard, Echols, Espy, Eustace, Flournoy, Hale, Hammonds, Hobbs, Houston, Jackson, Jeter, Johnston of Perry, Johnson of Tallapoosa, Jones, Kennedy, Lesueuer, Mardis, Martin of Dale, Martin of Talladega, McRae, Molton, Morgan, Murphy of Henry, Parker, Reedus, Simpson, Smith of Jefferson, Smith of Lauderdale, Stiff, Talley, Tate, Thompson, and Walden, of the House—65.

Those who voted for Mr. Nabors, are :

Messrs. Austin, Felder, Jones, of Fayette, Rather and Rayburn, of the Senate; and Messrs. Speaker, Allen, Baugh, Bell of Talladega, Boatright, Brock, Browder, Brown of Marion, Caldwell, Clayton, Colbert, Coleman, Cullum, Denman, Edwards, Griffin, Harris, Holly, Little, Majors, McGhee, Murphree of Pike, Neal, Nelson, Pennington, Pynes, Register, Reid, Remson, Richardson of Cherokee, Scott, Sheffield, Smith of Randolph, Stanton, Warren, Weaver and Wright, of the House—42.

Those who voted for Mr. Crawford, are :

Messrs. President, Agee and Burnett, of the Senate; and Messrs. Adams, Baskins, Cary, Goode, Irby, Mabry, McCall, Richardson of Monroe, Scarborough and Williamson, of the House—13.

Those who voted for Mr. Nicholson, are :

Mr. Deas, of the Senate; and Messrs. Brown of Tuscaloosa, Drummond, Herndon, Huckabee, Powell and Slade, of the House—7.

Mr. Clark having received a majority of all the votes given, was declared by Mr. Speaker, to have been duly and constitutionally elected chancellor of the southern chancery division, of the State of Alabama, for the term prescribed by law.

The joint convention then proceeded to the election of a solicitor for the ninth judicial circuit. J. J. Woodward, Esq., of Talladega, L. F. McCoy, Esq., of Russell, Simeon Dean, Esq., of Chambers, and Cullen A. Battle, Esq., of Macon, being in nomination.

#### FIRST BALLOT.

Those who voted for Mr. Woodward, are :

Messrs. Abernathy, Bynum, Clitherall, Crawford, Heflin, Hill, Jones of Greene, McSpadden, Patton, Storrs and Woodward, of the Senate; and Messrs. Baugh, Bell of Talladega, Bennett, Bradley, Bulger, Calfee, Caldwell, Clarke, Cloud, Cullum, Den-

man, Dillard, Edwards, Espy, Flournoy, Griffin, Hammonds, Hobbs, Holly, Houston, Jackson, Lesueuer, Majors, Martin of Talladega, Neal, Parker, Pennington, Powell, Reedus, Reid, Remson, Richardson of Cherokee, Smith of Lauderdale, Smith of Randolph, Stiff, Talley, Weaver and Wright, of the House—49.

Those who voted for Mr. McCoy, are :

Messrs. Griffin, Thaxton and Thompson, of the Senate ; and Messrs. Aldridge, Brock, Brown of Marion, Coleman, Kennedy, Little, Majors, Martin of Dale, McGhee, Murphree of Pike and Walden, of the House—13.

Those who voted for Mr. Dean, are :

Messrs. Jones of Fayette, Lindsay, Mitchell and Rowe, of the Senate ; and Messrs. Allen, Bell of Franklin, Jeter, Johnson of Tallapoosa, Mardis, Nelson and Simpson, of the House—11.

Those who voted for Mr. Battle, are :

Messrs. President, Agee, Austin, Bullock, Burnett, Carter, Cocke, Deas, Felder, Fleming, Horn, Jemison, McKinne, Rather and Rayburn, of the Senate ; and Messrs. Speaker, Adams, Baskins, Boatright, Brewer, Browder, Brown of Tuscaloosa, Cary, Clayton, Colbert, Drummond, Echols, Eustace, Goode, Hale, Harris, Herndon, Huckabee, Irby, Johnston of Perry, Jones, Mabry, McCall, McRae, Molton, Morgan, Murphy of Henry, Pynes, Register, Richardson of Monroe, Scarborough, Scott, Sheffield, Slade, Smith of Jefferson, Stanton, Tate, Warren and Williamson, of the House—54.

Neither of the candidates having received a majority of all the votes given, the two Houses in convention proceeded to a

## SECOND BALLOT.

Those who voted for Mr. Woodward, are :

Messrs. Abernathy, Bynum, Clitherall, Crawford, Heflin, Hill, Jones of Greene, McSpadden, Patton, Storrs and Woodward, of the Senate ; and Messrs. Baugh, Bell of Talladega, Bennett, Bradley, Brock, Bulger, Calfee, Caldwell, Clarke, Cloud, Coleman, Cullum, Denman, Dillard, Edwards, Espy, Hammonds, Hobbs, Holly, Houston, Jackson, Kennedy, Lesueuer, Majors, Martin of Talladega, Molton, Morgan, Neal, Nelson, Parker, Pennington, Reedus, Reid, Remson, Richardson of Cherokee, Smith of Randolph, Stiff, Talley, Weaver and Wright, of the House—51.

Those who voted for Mr. McCoy, are :

Messrs. Griffin and Thaxton, of the Senate ; and Messrs. Al-

dridge, Brown of Marion, Little, McGhee and Murphree of Pike, of the House—7.

Those who voted for Mr. Dean, are :

Messrs. Lindsay, Mitchell and Rowe, of the Senate; and Messrs. Allen, Bell of Franklin, Jeter, Johnson of Tallapoosa, Mardis and Simpson, of the House—9.

Those who voted for Mr. Battle, are :

Messrs. President, Agee, Austin, Bullock, Burnett, Carter, Cocke, Deas, Felder, Fleming, Horn, Jemison, Jones of Fayette, McKinne, Rather, Rayburn and Thompson of the Senate; and Messrs. Speaker, Adams, Baskins, Boatright, Brewer, Browder, Brown of Tuscaloosa, Cary, Clayton, Colbert, Drummond, Echols, Eustace, Flournoy, Goode, Griffin, Hale, Harris, Herndon, Huckabee, Irby, Johnston of Perry, Jones, Mabry, Martin, of Dale, McCall, McRae, Murphy of Henry, Powell, Pynes, Register, Richardson of Monroe, Scarborough, Scott, Sheffield, Slade, Smith of Lauderdale, Smith of Jefferson, Stanton, Tate, Walden, Warren and Williamson, of the House—60.

Neither of the candidate having received a majority of all the votes given, the two House in joint convention proceeded to the

### THIRD BALLOT.

The names of Messrs. McCoy and Dean, having been withdrawn, Those who voted for Mr. Woodward, are :

Messrs. Abernathy, Bynum, Clitherall, Crawford, Griffin, Heflin, Hill, Jones of Greene, Lindsay, McSpadden, Mitchell, Patton Rayburn, Storrs, Thaxton and Woodward, of the Senate; and Messrs. Allen, Baugh, Bell of Franklin, Bell of Talladega, Bennett, Bradley, Brewer, Brock, Brown of Marion, Bulger, Calfee, Caldwell, Clarke, Cloud, Coleman, Cullom, Denman, Dillard, Edwards, Espy, Hammonds, Hobbs, Holly, Houston, Jackson, Jeter, Johnson of Tallapoosa, Kennedy, Lesueuer, Little, Majors, Mardis, Martin of Talladega, McGhee, Morgan, Neal, Nelson, Parker, Pennington, Powell, Reedus, Reid, Remson, Richardson of Cherokee, Simpson, Smith of Randolph, Staton, Stiff, Talley, Weaver and Wright, of the House—67.

Those who voted for Mr. Battle, are :

Messrs. President, Agee, Austin, Bullock, Burnett, Carter, Cocke, Deas, Felder, Eleming, Horn, Jemison, Jones of Fayette, McKinne, Rather and Rowe, of the Senate; and Messrs. Speaker, Adams, Aldridge, Baskins, Boatwright, Browder, Brown of Tuscaloosa, Cary, Clayton, Colbert, Drummond, Echols, Eustace, Flournoy, Goode, Griffin, Hale, Harris, Herndon, Huckabee, Irby, Johnston of Perry, Jones, Mabry, Martin of Dale, Mc-

Call, McRae, Moulton, Murphree of Pike, Murphy of Henry, Pynes, Register, Richardson of Monroe, Scarborough, Sheffield, Slade, Smith of Jefferson, Smith of Lauderdale, Tate, Thompson, Walden, Warren and Williamson—59.

Mr. Woodward having received a majority of all the votes given, was declared by Mr. Speaker to have been duly and constitutionally elected solicitor for the ninth judicial circuit, for the term prescribed by law.

Thereupon the Senate withdrew, and returned to their chamber.

And on motion, the Senate adjourned until Monday morning, 10 o'clock.

MONDAY, November 23, 1857.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Hill.

Mr. Thompson introduced a bill to repeal section 110 of the Code.

Mr. Mitchell introduced a bill for the relief of certain persons therein named; also,

A bill to incorporate the La Fayette Insurance company.

Mr. Jones, of Fayette, introduced a bill for the relief of John W. Creagh, of Wilcox county; which were severally read the first time, and ordered to a second reading.

On motion of Mr. Crawford,

*Resolved*, That the committee on Banks and Banking be instructed to inquire into the condition of the Central Bank at Montgomery, and the Commercial Bank at Selma, and report the same at as early a day as possible.

Mr. Thaxton offered the following resolution:

*Resolved*, That with the concurrence of the House of Representatives, the two Houses will adjourn *sine die*, on Monday, the 22d of December next.

Mr. Clitherall moved to lay the resolution on the table, which was lost—yeas 4, nays 28.

Yeas—Messrs. Austin, Clitherall, Cocke and Jemison—4.

Nays—Messrs. President, Abernathy, Bullock, Burnett, Bynum, Carter, Crawford, Deas, Felder, Fleming, Griffin, Heflin, Hill, Horn, Jones of Greene, Jones of Fayette, Lindsay, McKinne, McSpadden, Mitchell, Patton, Rather, Rayburn, Rowe, Storrs, Thaxton, Thompson and Woodward.

Mr. Clitherall moved to postpone the resolution until the first Monday in December next; which was lost.

Mr. Jemison moved to postpone the resolution until Monday next; which was lost—yeas 11, nays 21.



Yeas—Messrs. President, Abernathy, Carter, Clitherall, Cocke, Crawford, Hill, Jones of Greene, Lindsay and Patton—11.

Nays—Messrs. Austin, Bullock, Burnett, Bynum, Deas, Felder, Fleming, Griffin, Heflin, Horn, Jones of Fayette, McKinne, McSpadden, Mitchell, Rather, Rayburn, Rowe, Storrs, Thaxton, Thompson and Woodward—21.

Mr. Clitherall moved to amend, by striking out "22d of December," and insert "15th of January."

Mr. Thaxton moved the previous question; which was sustained—yeas 28, nays 3.

Yeas—Messrs. President, Abernathy, Austin, Bullock, Burnett, Bynum, Carter, Crawford, Deas, Felder, Fleming, Griffin, Heflin, Hill, Horn, Jones of Greene, Lindsay, McKinne, McSpadden, Mitchell, Patton, Rather, Rayburn, Rowe, Thaxton, Thompson and Woodward.

Nays—Messrs. Clitherall, Cocke and Jemison—3.

The resolution was then adopted.

Mr. McSpadden introduced a bill to incorporate the Gadsden Insurance Company; which was read the first time and ordered to a second reading.

Mr. Patton introduced a bill more effectually to provide for the payment of taxes in this State; which was read the first time and ordered to a second reading—yeas 19, nays 14.

Yeas—Messrs. Bullock, Burnett, Carter, Clitherall, Cocke, Crawford, Deas, Fleming, Hill, Horn, Jemison, McSpadden, Mitchell, Patton, Rather, Rayburn, Rowe, Storrs and Woodward.

Nays—Messrs. President, Abernathy, Agee, Austin, Bynum, Felder, Griffin, Heflin, Jones of Greene, Jones of Fayette, Lindsay, McKinne, Thaxton and Thompson.

Mr. Jones, of Greene, introduced a joint resolution for the protection of the treasury of the State; which was read the first time and ordered to a second reading.

Mr. Storrs, from the Select committee to which was referred the bill changing the time of holding the circuit courts of Jefferson and St. Clair, reported the same with an amendment; which was adopted, and the bill ordered to a third reading.

Mr. Bullock, from the committee on the Judiciary, reported a substitute for the bill for the relief of administrators, executors and guardians.

Mr. Clitherall moved to amend the substitute as follows:

"And if any such evidence of debt hereafter given, payable to or belonging to any executor, administrator or guardian, as such, be put in suit by them; the defendants in such suit or or suits, in addition to the costs now imposed by law, shall be

liable to pay the costs of collection—to be proven before the court of justice, and estimated in judgment as part of the debt or damages received ;” which was lost.

The substitute was adopted and the bill ordered to a third reading—yeas 24, nays 8.

Yeas—Messrs. President, Abernathy, Agee, Austin, Bullock, Burnett, Bynum, Clitherall, Cocke, Crawford, Deas, Felder, Griffin, Hill, Horn, Jones of Fayette, McKinne, Mitchell, Patton, Rather, Rayburn, Thompson and Woodward.

Nays—Messrs. Fleming, Heflin, Jemison, Jones of Greene, Lindsay, McSpadden, Rowe and Storrs—8.

Mr. Bullock reported a substitute to the bill to amend the act of February 15, 1856, authorizing the issuance of attachments out of chancery ; which was adopted and ordered to be engrossed.

The Senate proceeded to the consideration of the special order, it being the joint resolutions in relation to Kansas affairs.

Mr. Jemison moved to amend as follows :

Strike out the second resolution and insert the following :

1. *Resolved*, That the relations, political and official, between Robert J. Walker, and President Buchanan, previous to the appointment of the former as Governor of Kansas, offered a strong presumption that his views and opinions as to the policy subsequently adopted and carried out, in discharge of his official duties, were not unknown to the president.

2. *Resolved*, That the presumption is strengthened by the uncontradicted and repeated declarations of Governor Walker, of the agreement of the President in his views, and his approval thereof.

3. *Resolved*, That the failure of the President to recall, or even censure Governor Walker, leaves no doubt of his full concurrence in his policy and conduct ; and of his hostility to the institution of slavery, and infidelity to the South.

4. *Resolved*, That under this state of facts, the agent should not be censured in stronger or more direct terms than the principal who advised and approved his acts, and that any condemnation by the President of those acts, will be regarded by the people of Alabama as adding insult to injury.

5. *Resolved therefore*, That President Buchanan, and his cabinet, should be held fully accountable for the management and termination of affairs under the administration of Governor Walker in Kansas.

Mr. Clitherall moved to amend the amendment as follows :

And that this General Assembly equally condemn Milliard Fillmore, and his administration, in sending T. Butler King to

California with the view and for the purpose of influencing the convention of that Territory in the adoption of a freesoil constitution.

Mr. Fleming moved to lay the amendment, and the amendment to the amendment on the table.

A division of the question being called, it was first taken on laying the amendment to the amendment on the table, and carried.

Yeas 28, nays 5.

Yeas—Messrs. President, Abernathy, Agee, Austin, Bullock, Burnett, Carter, Cocke, Crawford, Deas, Felder, Fleming, Heflin, Hill, Horn, Jemison, Jones of Fayette, Lindsay, McKinne, McSpadden, Mitchell, Patton, Rather, Rayburn, Rowe, Storrs, Thaxton, and Woodward—28.

Nays—Messrs. Bynum, Clitherall, Griffin, Jones of Greene, and Thompson—5.

The question recurred on laying the amendment on the table, and carried.

Yeas 26, nays 7.

Yeas—Messrs. President, Abernathy, Agee, Austin, Bullock, Burnett, Bynum, Clitherall, Crawford, Deas, Felder, Fleming, Heflin, Hill, Jones of Greene, Jones of Fayette, Lindsay, McKinne, McSpadden, Mitchell, Patton, Rather, Rayburn, Rowe, Thaxton and Woodward—26.

Nays—Messrs. Carter, Cocke, Griffin, Horn, Jemison, Storrs and Thompson—7.

The resolutions were ordered to be engrossed.

Yeas 33.

Messrs. President, Abernathy, Agee, Austin, Bullock, Burnett, Bynum, Carter, Clitherall, Cocke, Crawford, Deas, Felder, Fleming, Griffin, Heflin, Hill, Horn, Jemison, Jones of Greene, Jones of Fayette, Lindsay, McKinne, McSpadden, Mitchell, Patton, Rather, Rayburn, Rowe, Storrs, Thaxton, Thompson and Woodward—33.

Mr. Bullock, from the committee on the Judiciary, reported back to the Senate sundry joint resolutions, proposing amendments to the Constitution, with a recommendation that they be recommitted to the joint committee upon the Amendments to the Constitution; which reference was made.

Mr. Mitchell from the committee on Divorce and Alimony, reported favorably on the House bill to divorce Elizabeth Reeks from her husband Alfred Reeks, and the same was ordered to a third reading.

The Senate proceeded to the consideration of the special order, it being the bill to abolish the laws against usury.

Question pending on the amendment offered by Mr. Clitherall, "not exceeding twelve and a half per centum per annum," after interest in the fifth line of second section, so far as it conflicts with this act, after "Alabama," in second line of third section.

The Senate refused to adopt the amendments, and refused to order the bill to be engrossed.

The Senate proceeded to the consideration of the second special order, the bill to incorporate the Eufaula Insurance and Trust company.

The question pending on the amendments reported by the committee,

Mr. Bynum moved to amend the amendments as follows :

SEC. —. *And be it further enacted*, That the secretary or other officers of said Insurance company must not pay out, or use in discounting promissory notes, or the purchase of bills of exchange, or in payment of checks drawn upon general deposits, or in any manner give circulation to the bills of banks of other States; but such bills may be received for any purpose in the usual transaction of business, to be returned to the banks from which they issue.

The division of the question being called, the vote was taken upon laying upon the table the amendment to the amendment.

The Senate refused to lay on the table.

Yeas 12, nays 17.

Yeas—Messrs. Bullock, Carter, Clitherall, Cocke, Deas, Flemming, Jemison, Jones of Greene, McKinne, McSpadden, Mitchell and Storrs—12.

Nays—Messrs. President, Abernathy, Agee, Austin, Burnett, Bynum, Crawford, Heflin, Hill, Jones of Fayette, Lindsay, Patton, Rather, Rayburn, Rowe, Thaxton and Woodward—17.

The question was then taken on laying the bill and amendments on the table.

Carried.

#### ORDERS.

The Senate then proceeded to the consideration of the orders of the day.

The following engrossed Senate and House bills were severally read the third time and passed :

The bill to change the manner of appointing overseers and apportioners of roads in the county of Russell ;

To authorize the successors of sheriffs to make conveyances in certain cases ;

To authorize James Whitehead to practice law in the several courts of this State;

Requiring apportioners of roads in Pickens county to appoint overseers;

For the relief of witnesses and jurors in certain cases therein specified;

To amend the law in relation to bail in civil suits;

To amend section 2331 of the Code of Alabama;

To incorporate the city of Eufaula;

To provide for certain expenses of the government;

To repeal an act to regulate the fees of the probate judge of Cherokee county in issuing marriage license;

To repeal in part an act therein named;

To repeal an act to amend the road laws in Cherokee county, approved 2d February, 1856;

To extend the Fall term of the circuit court of Covington county;

The bill to repeal an act entitled an act amending the road laws in Henry county;

To lay off Benton county into commissioners' districts, and for other purposes.

The bill to compensate Clark Cross for services rendered, was read the second time, and Mr. Clitherall moved to amend as follows: after word "appropriated," add "for his services in bringing Adam Scott, a fugitive from justice to the State of Alabama, under appointment of the Governor of said State;" which was adopted, and the bill as amended, ordered to be engrossed.

The bill to re-organize the judicial circuits of the State, was read the second time and referred, on motion of Mr. Clitherall, to a select committee of one member from each judicial circuit.

The bill in relation to specie payments by the Mobile Savings Association, was read the second time and referred to the committee on Banks and Banking.

The bill to vest in the Tennessee and Alabama Central Railroad company certain lands, granted by Congress in trust to the State of Alabama, to aid in the construction of the Tennessee and Alabama Central Railroad, was read the second time and referred to the committee on Internal Improvements and Inland Navigation;

Mr. Felder introduced a bill to allow the probate judge of Montgomery county, to take jurisdiction of the estate of Wiggins W. Whitaker, deceased, of Autauga county; which was read the first time and ordered to a second reading on to-morrow.

Mr. Rowe introduced a bill to be entitled an act to suppress gaming; which was read the first time.

Mr. Bynum moved to lay the bill on the table; which was lost.

Yeas 10, nays 21.

Yeas—Messrs. Bullock, Burnett, Bynum, Horn, Jones of Greene, Lindsay, Mitchell, Rather, Thaxton and Thompson—10.

Nays—Messrs. President, Abernathy, Agee, Austin, Carter, Clitherall, Deas, Felder, Crawford, Griffin, Heflin, Hill, Jemison, Jones of Fayette, McKinne, McSpadden, Rayburn, Patton, Rowe, Storrs and Woodward—21.

The bill was ordered to a second reading on to-morrow.

The Senate then adjourned until to-morrow morning, 10 o'clock.

NOVEMBER 24, 1857.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Mitchell.

Mr. President announced the select committee on the bill to re-organize the judicial circuits, to consist of Messrs. Crawford, Burnett, Storrs, Rather, McSpadden, Agee, Jones of Fayette, Felder and Rowe.

Mr. Agee introduced a bill to amend the act to incorporate the town of Claiborne.

Mr. Griffin introduced a bill to enable courts of chancery to order execution in decrees for the sale of mortgaged land or other property.

Mr. Carter introduced a bill to incorporate the Society Hill High School; which were severally read the first time and ordered to a second reading.

On motion of Mr. Agee,

*Resolved*, That the committee on Propositions and Grievances be instructed to inquire into the necessity and expediency of providing by law for the confinement of lunatics, either criminals, or such as are deemed by the community dangerous to the lives of others, in an asylum or other safe place at the public charge, if they leave not estate sufficient to defray the attendant expenses, with leave to report by bill or otherwise.

Mr. President (Mr. Rowe in the chair) introduced joint resolutions in regard to the suspended banks, as follows:

*Resolved, &c.*, That the solicitor of the second judicial circuit, be, and he is hereby instructed to delay further proceedings against the Commercial Bank at Selma, for the suspension of specie payments until he shall be instructed to proceed therewith by the Governor of the State or the General Assembly; which was read the first and second times forthwith.

Mr. Clitherall moved to amend as follows:

And that instructions are hereby given to the attorney general, or any other solicitor who has, or may have received in-

structions from the Governor under section 938 of the Code of Alabama, to stay or withhold proceedings against such suspended bank or banks, until ordered further to proceed by the Governor, or by the General Assembly: *Provided*, That nothing in this act contained shall operate to waive or impair any right, remedy, or lieu, on the part of the State against, or on said banks, further than is clearly intended by this act; which was adopted.

Mr. Jones, of Greene, moved to refer the resolution with the amendment to the Judiciary committee; which was lost.

On motion of Mr. Lindsay,

The resolution was referred to the committee on Banks and Banking.

Mr. Jones, of Greene, introduced a bill to be entitled an act to amend an act to incorporate the company of artillery at Greensboro'; which was read the first time and ordered to a second reading on to-morrow.

Mr. Mitchell introduced a bill to be entitled an act to make Elizabeth C. Moore, of the county of Chambers, a free dealer; which was read the first time and ordered to a second reading on to-morrow.

Mr. Clitherall introduced a bill to provide for lighting the State Capitol with gas; which read the first time and ordered to a second reading on to-morrow.

Mr. Bynum introduced a bill to be entitled an act to appropriate a part of the two per cent. fund; which was read the first time and ordered to a second reading on to-morrow.

Mr. McSpadden offered the following resolution; which was lost:

*Resolved*, That all the committees of the Senate, to whom may be referred claims against the State, shall have the evidence sustaining such claim, reduced to writing, under oath, and file the same with the Secretary of State at the close of the session.

Mr. Austin introduced a bill to be entitled an act to incorporate the Marshall and Jackson Counties Railroad company; which was read the first time and ordered to a second reading on to-morrow.

Mr. Fleming introduced a resolution, as follows:

*Resolved*, That the committee on Finance and Taxation be instructed to enquire into the expediency of amending the law as regards the tax on slaves, offered for sale in this State, with leave to report by bill or otherwise.

The resolution was adopted.

Mr. Patton offered joint resolutions in reference to the settlement of the account between the State of Alabama and the late

secretary of state, Vincent M. Benham ; which were read the first time and ordered to a second reading on to-morrow.

Mr. Clitherall, from the Judiciary committee, reported adversely to the bill to change the mode of preferring indictments against defaulting overseers of roads.

The report was concurred in and bill lost.

Mr. Clitherall, from the same committee, reported in favor of the bill to amend the attachment laws.

The report was concurred in, and bill ordered to be engrossed.

Mr. Clitherall, from the same committee, reported favorably on the bill to authorize L. V. Underwood to hire out the slaves of his wards in certain counties in Mississippi.

The report was concurred in, and bill ordered to be engrossed.

Mr. Hill, from the committee on Propositions and Grievances, reported favorably on the bill for the relief of Lawrence S. Banks, of the county of Marengo, and recommended its passage.

On motion of Mr. Clitherall, the bill and report were laid on the table.

Message from the House, by Mr. Hames:

Mr. President: The House of Representatives has originated and passed the following bills :

To amend the attachment laws of this State ;

To extend the right of trial by jury before justices ;

Which bills were severally read the first time and ordered to a second reading on to-morrow.

Also, the following message from the House, by Mr. Hames :

Mr. President: The House of Representatives has originated and passed the following bill :

To divorce Lewis King from his wife, M. J. King.

The bill was read the first time and ordered to a second reading on to-morrow.

Mr. Jemison, from the committee on Finance and Taxation, reported against the bill to reduce the taxes of the people of Alabama.

On motion of Mr. Clitherall, the bill and report were laid on the table.

Mr. Jemison, from the same committee, reported against the passage of the bill to consolidate the offices of tax collector and assessor.

The report was concurred in and bill lost.

Mr. Rather, from the Judiciary committee, reported against the passage of the bill to amend 2165 of the Code of Alabama.

The report was concurred in and bill lost.

Mr. Rather, from the same committee, reported adversely to the bill to enlarge the duties of justices of the peace.



The report was concurred in and bill lost.

Mr. Bullock, from the Judiciary committee, reported against the passage of the bill for the relief of Anderson Hames, of Perry county.

Report concurred in and bill lost.

Mr. Bullock, from the same committee, reported adversely to the bill to provide an efficient patrol for Pickens county.

Mr. Clitherall moved to lay the report on the table ; which was lost.

The report was then concurred in and bill lost.

Mr. Bullock, from the same committee, reported adversely to the bill to repeal section 2411 of the Code.

The report was concurred in.

Mr. Bullock, from the same committee, reported against the passage of the House bill declaring Alfred Hodge a citizen of Covington county.

The report was concurred in and bill lost.

Mr. Felder moved to take from the table the bill, amendments and report, to destroy the bills of the State bank and branches ; which prevailed.

And the amendments as follows, were adopted :

After the word "denomination" in section 2, insert the words "letters, numbers, dates, &c., as far as the same can be ascertained."

Mr. Carter moved the further consideration of the bill until Tuesday next, 12 o'clock, M.

Lost.

Mr. Jemison then moved its further consideration until Saturday next, at 12 o'clock, M., and that it be made the special order for that hour.

Motion lost.

The question then recurred, on the motion of Mr. Lindsay, to postpone its further consideration until Friday next, and that it be made the special order for that day, at the hour of 12 o'clock, M.

Motion prevailed.

The Senate adjourned until to-morrow morning at 10 o'clock.

NOVEMBER 25, 1857.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Petrie.

Mr. Deas presented a petition from the Mobile Marine Railway and Insurance company ; which was referred to the committee on Banks and Banking.

Mr. Jones, of Greene, introduced a bill to incorporate the Union Town and Point Jackson Railroad company.

Mr. Mitchell introduced a bill for the relief of Benjamin B. Avery, of Chambers county.

Mr. Thaxton introduced a bill to amend 1058 of the Code of Alabama.

Mr. Deas introduced a bill to authorize the Mobile Railway and Insurance company to consolidate its capital stock; which were severally read the first time and ordered to a second reading.

Mr. Rather, from the committee on Internal Improvements and Inland Navigation, reported a substitute for the bill from the House to require the president of the Tennessee and Coosa Railroad to report semi-annually to the Governor.

Mr. Rayburn moved to amend the substitute by striking out the 15th December, and inserting 15th January.

Lost.

The substitute was adopted, the bill read the third time forthwith and passed.

Ordered that the same be sent forthwith to the House.

Mr. Patton, from the committee on Banks and Banking, reported a substitute for the joint resolution in regard to the suspended banks.

The substitute was adopted; the bill was read the third time forthwith and passed.

Mr. Patton also reported a substitute for the bill in relation to specie payment by the Mobile Savings company.

The substitute was adopted and the bill, ordered to be engrossed.

Mr. Bullock reported a substitute for the bill to regulate the pay of jurors and witnesses in the county of Jackson.

The substitute was adopted and the bill ordered to be engrossed.

Mr. Bullock reported adversely on the bill to regulate the practice in certain suits commenced by attachment.

The Senate refused to concur in the report.

Mr. Clitherall moved to amend as follows:

Add "to the merits" after "defence" in the tenth line, first section; which was adopted.

The Senate refused to order the bill to be engrossed.

Message from the House, by Mr. Hames:

Mr. President: The House of Representatives has originated and passed the following bills:

To divide the county of Blount into four commissioners' districts;

To amend and repeal in part an act therein named;

To regulate the registration of claims against the counties of Marshall and DeKalb;

To make Celia Ramer, of the county of Covington, a free dealer;

To repeal an act approved the 5th of February, 1856, and for other purposes;

To regulate the pay of jurors in Montgomery county;

To authorize the probate court of Montgomery county to take jurisdiction of the estate of John S. Chesser, deceased;

To increase the pay of grand and petit jurors in the county of Lawrence;

To authorize the joinder of causes of action in certain cases;

To amend section 1065 of the Code of Alabama;

In regard to the administration of oaths;

To change the time of holding the circuit court in the fourth judicial circuit of the State of Alabama;

To prescribe the duties, rights and liabilities of general administrators, when they resign their office;

To extend the provisions of an act therein specified;

For the relief of mechanics;

To amend section 2462 of the Code;

Joint resolutions declaring to accept a certain portion of the grant, and carry into execution the trust conferred upon the State of Alabama, by an act of Congress, entitled an act granting public lands in alternate sections, to the State of Alabama, to aid in the construction of certain railroads in said State, approved June 3d, 1856;

To authorize certain persons therein named to be admitted to practice law on the conditions therein mentioned;

To amend the criminal law in relation to rape, incest and adultery;

Have also adopted the following resolution:

*Resolved*, That the standing committee on amendments to the constitution be instructed to confer and act with any committee of the Senate which may be appointed on that subject.

The bills mentioned in the message were severally read the first time and ordered to a second reading, and the resolution of the House was concurred in.

Mr. Bullock, from the committee on the Judiciary, reported a substitute for the bill to provide for annual sessions of the General Assembly, and annual elections of Representatives thereto.

On motion of Mr. Clitherall, the bill and substitute were postponed until Monday next at 11, and made the special order for that hour.

Mr. Bullock reported adversely on the bill to repeal the laws requiring the judges of the circuit courts to rotate or alternate in holding the circuit courts.

On motion of Mr. McSpadden,

The report was laid on the table and the bill postponed until to-morrow at 11 o'clock, and made the special order for that hour.

Mr. Austin reported favorably on the bill to repeal an act to provide for a geological and agricultural survey of the State; the bill was ordered to be engrossed.

The Senate took up the special order, it being the bill to prohibit probate judges from stating accounts for executors, guardians, &c.

Mr. Clitherall moved to amend as follows: "*Provided*, That nothing herein contained shall be construed to prevent any judge of probate from drafting any deed or conveyance," which was adopted.

Mr. Bullock moved to amend as follows: Between the words "person" and "where," in the first section, insert the words, "and shall make any charge or receive any compensation for such service."

On motion of Mr. Cocke,

The bill and amendment were indefinitely postponed.

Yeas 24, nays 8.

Yeas—Messrs. President, Abernathy, Agee, Austin, Burnett, Carter, Cocke, Crawford, Deas, Felder, Fleming, Griffin, Hill, Horn, Jones of Fayette, McKinne, McSpadden, Mitchell, Patton, Rayburn, Rowe, Thaxton, Thompson and Woodward—24.

Nays—Messrs. Bullock, Bynum, Clitherall, Heflin, Jones of Greene, Lindsay, Rather and Storrs—8.

The Senate proceeded to the consideration of the

#### ORDERS OF THE DAY.

The bill to compensate Clark Cross for services rendered;

To authorize executors, administrators and guardians to collect compound interest in certain cases;

To amend the act of February 15, 1856, authorizing the issuance of attachments out of chancery courts;

Join resolutions in relation to Kansas affairs;

To authorize L. V. Underwood to hire out the slaves of his wards in certain counties in Mississippi:

To amend the attachment laws;

To repeal an act changing the time of holding the circuit

courts of Jefferson and St. Clair, and extending the time for the county of St. Clair;

To divorce Elizabeth Reeks from her husband, Alfred Reeks, were severally read the third time and passed.

The bill to amend the attachment laws of the State, and

The bill to extend the right of trial by jury before justices, were severally read the second time and referred to the committee on the Judiciary.

The bill to divorce Lewis King from his wife, M. J. King, was read the second time.

Mr. Clitherall moved to refer the bill to the committee on Divorce and Alimony; which was lost.

Mr. Hill moved to suspend the rule and give the bill its third reading forthwith; which was carried.

Yeas 22, nays 8.

Yeas—Messrs. Abernathy, Agee, Austin, Bynum, Cocke, Deas, Felder, Fleming, Griffin, Heflin, Hill, Horn, Jones of Fayette, McKinne, Lindsay, McSpadden, Mitchell, Patton, Rather, Rayburn, Rowe and Storrs—22.

Nays—Messrs. Bullock, Burnett, Clitherall, Crawford, Jones of Greene, Thaxton and Thompson—8.

The vote on the motion of Mr. Clitherall to refer was reconsidered, and the bill referred to the committee on Divorce and Alimony with instructions.

Yeas 24, nays 7.

Yeas—Messrs. President, Abernathy, Agee, Bullock, Burnett, Carter, Cocke, Crawford, Deas, Felder, Fleming, Griffin, Hill, Jones of Greene, McSpadden, Mitchell, Patton, Rather, Rayburn, Rowe, Storrs, Thaxton, Thompson and Woodward—24.

Nays—Messrs. Austin, Bynum, Clitherall, Heflin, Jones of Fayette, Lindsay and McKinne—7.

Message from the House, by Mr. Hames:

Mr. President: The House has passed a bill requiring the Governor to reside at the Capitol, and fixing his salary.

The bill was read the first and second times forthwith.

Mr. Clitherall moved to amend by striking out the proviso at the end of the first section; which was carried, and the order to a third reading.

Mr. Bullock, from the committee on the Judiciary, reported a substitute to the bill to provide for annual sessions of the General Assembly.

The report and substitute were, on motion of Mr. Clitherall, postponed until Monday next 11 o'clock, and made the special order for that hour.

Mr. Bullock, from the same committee, reported adversely to

the bill requiring judges of circuit court to rotate or alternate in holding the circuit courts.

On motion of Mr. McSpadden, the bill and report were postponed until Thursday, 11 o'clock, and made the special order for that hour.

The special order, a bill to prohibit judges of probate from stating accounts for executors, &c.,

Mr. Clitherall moved the following amendment; which was adopted:

*Provided*, That nothing herein contained shall be construed to prevent any judge of probate from drafting any deed or conveyance.

Mr. Cocke moved to postpone indefinitely the bill and amendment pending; which motion prevailed.

The Senate then proceeded to the consideration of the

#### ORDERS OF THE DAY.

Engrossed House and Senate bills of the following titles were severally read third time and passed:

A bill to compensate Clark Cross for services rendered;

A bill to authorize executors, administrators and guardians to collect compound interest in certain cases;

To amend the act of February 15, 1856, authorizing the issuance of attachments out of chancery courts;

A bill to authorize L. V. Underwood to hire out the slaves of his wards in certain counties in Mississippi;

A bill to amend the attachment laws;

Joint resolutions reported by committee on Federal Relations, in relation to Kansas affairs;

House bill, to repeal an act changing the time of holding the circuit courts of Jefferson and St. Clair, and extending the time for the county of St. Clair;

A bill to divorce Elizabeth Reeks from her husband, Alfred Reeks.

House bill, to amend the attachment laws of this State, was read the second time and referred to the Judiciary committee;

House bill, to extend the right of trial by jury before justices, was read the second time and referred to the Judiciary committee;

House bill, requiring the Governor to reside at the Capitol and fixing his salary, was read the first time; constitutional rule suspended, read the second time, and, on motion of Mr. Clitherall, the following amendment was adopted: Strike out the proviso in the first section, and the bill as amended was ordered to a third reading.

The bill more effectually to provide for the payment of taxes in this State, was read the second time, and referred to the committee on Finance and Taxation.

The bill to incorporate the Gadsden Insurance company, was read the second time and referred to the committee on Corporations.

The bill to suppress gaming was read the second time, and referred to the Judiciary committee.

The bill to vest in the Tennessee and Alabama Central Railroad company certain lands granted by Congress in trust to the State of Alabama, to aid in the construction of the Tennessee and Alabama Central Railroad, was read the second time, and referred to the committee on Inland Navigation and Internal Improvements.

The joint resolution for the protection of the treasury of the State, was read the second time, and referred to the committee on Banks and Banking.

The bill to allow the judge of probate of Montgomery county to take jurisdiction of the estate of Wiggins W. Whitaker, deceased, of Autauga county, was read the second time, and referred to the committee on the Judiciary.

The bill to repeal section 110 of the Code, was read the second time, and referred to the committee on the Judiciary.

The bill for the relief of certain persons therein named, was read the second time, and referred to the Judiciary committee.

The bill to incorporate the Lafayette Insurance company was read the second time, and referred to the Judiciary committee.

The bill for the relief of John W. Creagh, was read the second time and ordered to be engrossed for a third reading to-morrow.

The bill to amend an act to incorporate the town of Claiborne, was read the second time and ordered to be engrossed for a third reading on to-morrow.

The bill to incorporate the Society Hill High School, was read the second time and referred to the committee on Corporations.

Joint resolutions in reference to the settlement of the account between the State of Alabama, and the late secretary of state, Vincent M. Benham; were read the second time and referred to the committee on Accounts and Claims.

The bill to provide for lighting the State Capitol with gas, was read the second time and referred to the committee on the State Capitol.

The bill to amend an act to incorporate a company of artillery at Greensboro', was read the second time and referred to the Military committee.

The bill to enable courts of chancery to order execution in decrees for the sale of mortgaged land, or other property; was read the second time and referred to the Judiciary committee.

The bill to incorporate the Marshall and Jackson Counties Railroad company, was read the second time and referred to the committee on Internal Improvements and Inland Navigation.

The bill for the convenience of tax payers in certain cases in this State, was read the first time and ordered to a second reading on to-morrow.

The bill to make Elizabeth C. Moore of the county of Chambers, a free dealer, was read the second time and referred to the Judiciary committee.

The bill to appropriate a part of the two per cent. fund, was read the second time and referred to the committee on Internal Improvements and Inland Navigation.

The Senate then adjourned until 10 o'clock, to-morrow morning.

NOVEMBER 26, 1857.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Tichenor.

Mr. Agee introduced a bill in reference to the preservation of game in Clarke county, together with a petition on that subject.

Mr. Bullock introduced a bill to exempt certain property from levy and sale, for the use of families; which were severally read the first time and ordered to a second reading.

On motion of Mr. Crawford,

*Resolved*, That with a view of abridging legislation, the committee on Constitutional Amendments enquire into the expediency of so altering the constitution in reference to divorces as to make the decree of a chancellor final, unless either or both of the parties be dissatisfied; and in that event, the case may be taken to the supreme court and disposed of as other cases between parties litigant.

Mr. Mitchell, from the committee on Divorce and Alimony, reported favorably on the bill to divorce Lewis King from his wife, M. J. King.

The bill was read the third time and passed.

Mr. Mitchell introduced a bill for the relief of H. F. Ervine, of Chambers county.

Mr. Bullock, from the committee on the Judiciary, reported adversely on the bill to empower courts of probate to marshall assets, and for other purposes.

The report was concurred in.



Mr. Cocke, from the committee on Accounts and Claims, reported adversely on the petition of Thomas Spikes.

Mr. Mitchell moved to lay the report on the table. Lost.

The report was concurred in.

Mr. Austin reported adversely on the accounts of Thomas H. Ferguson, &c.

The accounts were re-committed.

Mr. McSpadden, from the committee on the Judiciary, to whom was referred the bill in regard to the alternate sections of land, granted to the State of Alabama by Congress, to aid in the construction of railroads, reported the same with an amendment, and recommended that the bill be referred to the committee on Internal Improvements and Inland Navigation.

The bill and amendment were so referred.

Mr. Agee, from the committee on the Judiciary, to whom was referred the bill more effectually to secure the attendance of witnesses in chancery suits, reported a substitute for the original bill; which was adopted and ordered to be engrossed.

Mr. Burnett introduced a bill for the relief of John E. McCray, of Butler county; which was read the first time and ordered to a second reading.

Mr. Jemison, from the committee on Finance and Taxation, reported favorably on the bill in relation to the payment of taxes, and the bill was ordered to be engrossed.

On motion of Mr. Lindsay,

*Resolved*, That the committee on Finance and Taxation be instructed to enquire into the expediency of extending the period now allowed by law to tax collectors, to collect taxes as provided for in an act entitled an act to change the time of assessing and collecting taxes, and for other purposes, approved February 16, 1854.

Mr. Clitherall moved to amend section 36 of the Code of Alabama; which was read and laid on the table.

The Senate proceeded to the consideration of the general orders of the day.

#### ENGROSSED BILLS.

To amend an act to incorporate the town of Claiborne; was read the third time and passed.

The bill for the relief of John W. Creagh, of Wilcox county; and

The bill to divide the county of Blount into four commissioners' districts; were severally read the third time and laid on the table.

The bill to regulate the pay of jurors and witnesses in the county of Jackson ;

The bill in relation to specie payments by the Mobile Savings company ;

To repeal an act to provide for a geological and agricultural survey of the State ; approved 3d of February, 1854.

House bills :

To amend and repeal in part an act therein named ; was read the second time and referred to the Judiciary committee ;

To regulate the registration of claims against the counties of Marshall and DeKalb ; was read a second time and ordered to a third reading on to-morrow.

The following House bills were severally read the second time and referred to the Judiciary committee :

To make Selay Ramer, of the county of Covington, a free dealer ;

To repeal an act approved 5th February, 1856, and for other purposes ;

To be entitled an act to regulate the pay of jurors in Montgomery county ;

To be entitled an act to authorize the probate court of Montgomery county to take jurisdiction of the estate of John S. Chesser, deceased ;

To increase the pay of grand and petit jurors in the county of Lawrence.

Message from the House, by Mr. Hames :

Mr. President: The House has originated and adopted the following resolution :

*Resolved*, That with the concurrence of the Senate, the two houses will meet in the hall of the House of Representatives, on Monday the 30th instant, A. M., of said day, for the purpose of going into an election for Secretary of State, Comptroller, Treasurer, Superintendent of Public Education, Adjutant General, and Quarter Master General.

Mr. Fleming moved to amend the resolution by striking out adjutant general and quarter master general ; which was carried.

Mr. Bynum moved to amend by striking out superintendent of public education.

Mr. Hill then moved to lay the resolution on the table ; which motion was lost.

The question then recurred on the motion of Mr. Bynum, to strike out superintendent of public education ; which was lost.

Mr. Rowe then moved to amend, by striking out the 30th November and inserting the 8th day of December ; which motion was carried, and the resolution as amended, was adopted.

The following House bills (embraced in the message) were severally read the first time and ordered to a second reading on to-morrow :

To repeal an act approved February 5th, 1840, in relation to justices courts in Pike county ;

To enable defendants to prove offsets in certain cases ;

To consolidate the offices of tax assessor and tax collector in each of the counties of Dale, Marion and Blount ;

To regulate appeals from probate courts ;

To repeal an act therein named ;

To elect the county surveyor of Talladega county by the voters of said county ;

For the relief of Nicholas Hudson, jailor of Blount county ;

To amend section 1136 of the Code ;

To provide for the pay of jurors in the county of Fayette ;

House bills of the following titles were severally read the second time and referred to the Judiciary committee :

To authorize the joinder of causes of action in certain cases ;

To amend section 1065 of the Code of Alabama ;

To prescribe the duties, rights, and liabilities of general administrators when they resign their office ;

To extend the provisions of an act therein specified ;

For the relief of mechanics ;

To amend section 2462 of the Code ;

The bill to authorize certain persons therein named, to be admitted to practice law, on the conditions therein mentioned ; was read the second time.

Mr. Storrs moved to amend, by applying the provisions of the bill to Philip A. Fitts and Walter F. King, of Dallas county ; which was adopted, and the bill as amended, was referred to the Judiciary committee.

The House bill :

To amend the criminal law in relation to rape, incest and adultery, was read the second time and referred to the committee on the Judiciary.

Joint resolutions declining to accept a certain portion of the grant, and carry into execution the trust conferred upon the State of Alabama, by an act of Congress entitled "an act granting pub-lands, in alternate sections, to the State of Alabama, to aid in the construction of certain railroads in said State, approved 3d of June, 1856," were read the second time, and referred to the committee on Internal Improvements and Inland Navigation.

House bill :

In regard to the administration of oaths, was read the 2nd time and ordered to a third reading on to-morrow ;

To change the time of holding the circuit courts in the fourth judicial circuit of the State of Alabama, was read the second time and laid on the table.

The bill to increase the pay of the Governor, and requiring him to reside at the capitol, was read the third time and passed—Yeas 17, nays 13.

Yeas—Messrs. President, Bullock, Burnett, Carter, Clitherall, Cocke, Crawford, Fleming, Hill, Jemison, Jones of Greene, McSpadden, Patton, Rather, Rayburn and Storrs—17.

Nays—Messrs. Abernathy, Bynum, Deas, Felder, Griffin, Heflin, Lindsay, McKinne, Mitchell, Rowe, Thaxton and Thompson—13.

The bill for the relief of Benjamin B. Avery, of Chambers county, was read the second time and referred to committee on Propositions and Grievances.

The bill to amend section 1058 of the Code of Alabama, was read the second time and referred to the committee on the Judiciary.

The bill to incorporate the Uniontown and Point Jackson Railroad company, was read the second time and referred to the committee on Internal Improvements and Inland Navigation.

The bill to authorise the Mobile Railway and Insurance company to consolidate the capital stock, was read the second time and referred to the committee on Banks and Banking.

The bill for the convenience of tax payers in certain cases in this State, was read the second time and referred to the committee on Finance and Taxation.

The Senate then proceeded to the consideration of the

#### SPECIAL ORDERS.

The bill to repeal the laws requiring judges of the circuit courts to rotate, or alternate, in holding the circuit courts.

Mr. Clitherall moved the following amendment:

Strike out all after the enacting clause, and insert—

“SEC. 1. That the act of February 13th, 1856, by which the judges of the circuit courts are required to rotate in holding the said courts, is hereby repealed.

“SEC. 2. That section 630 of the Code of Alabama be amended, by adding thereto the following words: ‘and every circuit judge violating the provisions of this section shall forfeit the sum of one hundred dollars for each court held by him in contravention of said section; which shall, by the comptroller of public accounts, be deducted from the salary of said judges; and it shall be the duty of the attorney general, and the several solici-

tors, at the close of the riding, to notify the comptroller of the violation of this section; and failing to do so, the said attorney general and solicitors are liable to indictment, and must be fined, on conviction, not less than one hundred dollars: *Provided*, That any circuit judge violating the provisions of this section may relieve himself from the penalty herein imposed, by filing with the comptroller his affidavit that he was prevented, without any fault or neglect on his part, from so interchanging circuits.' "

Mr. Lindsay moved to lay the amendment on the table; which motion was lost—Yeas 10, nays 21.

Those who voted in the affirmative, are:

Messrs. Bullock, Bynum, Fleming, Jemison, Jones of Greene, Lindsay, Mitchell, Patton, Rather and Thompson—10.

Those who voted in the negative, are:

Messrs. President, Abernathy, Agee, Austin, Burnett, Carter, Clitherall, Cocke, Crawford, Deas, Felder, Griffin, Heflin, Hill, Horn, Jones of Fayette, McKinne, McSpadden, Rayburn, Rowe and Thaxton—21.

Mr. Lindsay moved to postpone the further consideration of the bill and amendment until to-morrow at 11 o'clock.

Mr. Clitherall moved to lay the motion on the table; which was lost—Yeas 15, nays 16.

Those who voted in the affirmative, are:

Messrs. President, Agee, Austin, Burnett, Clitherall, Crawford, Fleming, Heflin, Hill, Horn, Jones of Fayette, McKinne, McSpadden, Mitchell and Rowe—15.

Those who voted in the negative, are:

Messrs. Abernathy, Bullock, Bynum, Carter, Cocke, Deas, Felder, Griffin, Jemison, Jones of Greene, Lindsay, Patton, Rather, Rayburn, Thaxton and Thompson—16.

The question recurred on Mr. Lindsay's motion to postpone until 11 o'clock, A. M., to-morrow; which motion prevailed.

On motion of Mr. Fleming,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of passing a law making it the duty of the commissioners of each county to fix the pay of jurors of their respective counties, with leave to report, by bill, or otherwise.

Mr. Clitherall moved to reconsider the vote postponing the consideration of the special order until to-morrow at 11 o'clock, A. M.; which motion was lost.

Mr. Bynum moved to adjourn until to-morrow morning at 10 o'clock; and the yeas and nays being ordered thereon—

Those who voted in the affirmative, are:

Messrs. Abernathy, Austin, Bullock, Bynum, Cocke, Deas,

Hill, Jemison, Jones of Greene, Lindsay, Patton, Rather, Rayburn, Rowe and Thaxton—15.

Those who voted in the negative, are :

Messrs. President, Agee, Burnett, Carter, Clitherall, Crawford, Felder, Fleming, Griffin, Heflin, Horn, Jones of Fayette, McKinne, McSpadden, Mitchell and Thaxton—16.

So the Senate refused to adjourn.

On motion,

The Senate adjourned till to-morrow morning, 10 o'clock.

NOVEMBER 27, 1857.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Dorman.

Mr. Patton from the committee on Banks and Banking, reported on the resolution requiring them to enquire into the condition of the Central Bank at Montgomery, and the Commercial Bank at Selma, made the following report :

Mr. President, (Mr. Rather in the chair,) moved to strike out all of said report which is not responsive to the resolution ; pending this motion,

The hour of eleven having arrived, Mr. Rather in the chair, announced the special order ; being the bill to repeal the law requiring circuit judges to rotate or alternate.

Mr. Jemison moved to suspend the consideration of the special order, for reports to be made ; which was lost.

The Senate proceeded to the consideration of the pending question—Mr. Clitherall's amendment.

Mr. Bullock moved to recommit the bill and amendment, with instructions to report a bill requiring said judges to rotate at the Fall and Spring ridings.

Mr. Storrs called for a division of the question ; which was first taken on recommitting, and carried.

Yeas 16, nays 15.

Yeas—Messrs. President, Abernathy, Austin, Bullock, Bynum, Cocke, Crawford, Deas, Jemison, Jones of Greene, Patton, Rather, Rowe, Storrs and Thompson—16.

Nays—Messrs. Agee, Burnett, Carter, Clitherall, Felder, Fleming, Griffin, Hill, Horn, Jones of Fayette, McKinne, McSpadden, Mitchell, Rayburn and Thaxton—15.

Mr. Bullock, with leave of the Senate, withdrew that part of his motion, as to instructions, and the bill and amendment was recommitted to the Judiciary committee.

The hour of 12, M. having arrived,

Mr. President announced the second special order ; the con-

sideration of the bill to destroy the bills of the State bank and branches.

On motion of Mr. Jemison, the consideration of the bill was suspended and the general orders taken up.

Message from the House, by Mr. Hames:

Mr. President: The House has originated and passed the following bills:

To amend section 3992 of the Code, in reference to the fees of sheriffs in criminal cases;

For the relief of John W. Creagh, of Wilcox county;

Joint resolutions to procure the passage of a bill in Congress to aid surviving officers and soldiers of the war of 1812 and 1815;

For the relief of George Powell, of Blount county;

For the relief of the administrator of Peter F. Patrick.

The Message was taken up and the bill for the relief of John W. Creagh, of Wilcox county, was read the first time, and the constitutional rule suspended, and read the second time and ordered to a third reading on to-morrow.

The bill to amend section 3092 of the Code, in reference to the fees of sheriffs in criminal cases;

For the relief of the administrator of Peter F. Patrick;

For the relief of George Powell, of Blount county; and

Joint resolutions to procure the passage of a bill in Congress, to aid surviving officers and soldiers in the war of 1812 and '15; were severally read the first time, and ordered to second reading on to-morrow.

Message from the House:

Mr. President: The House refuses to concur in the Senate amendment to strike out the proviso in the bill requiring the Governor to reside at the capitol and increasing his salary.

Mr. Clitherall moved that the Senate insist on their amendment; which motion was carried, and ordered that the House be informed forthwith of the same.

The following engrossed Senate bills, were severally read the third time and passed:

More effectually to secure the attendance of witnesses in chancery suits;

In relation to the payment of taxes.

The engrossed House bill, in regard to the administration of oaths, was read the third time and passed.

Engrossed House bill to regulate the registration of claims against the counties of Marshall and DeKalb, was read the third time and lost.

House bills:

To repeal an act, approved February 5, 1840, in relation to justices' courts in Pike county ;

The bill to enable defendants to prove offsets in certain cases, were read the second time, and referred to the committee on the Judiciary.

The bill to consolidate the offices of tax assessor and tax collector, in each of the counties of Dale, Marion and Blount, was read the second time, and referred to the committee on Finance and Taxation.

The bill to regulate appeals from probate courts, was read the second time and referred to the committee on the Judiciary.

The bill to repeal an act therein named, was read the second time, and referred to the committee on the Judiciary.

The bill for the relief of Nicholas Hudson, jailor of Blount county, was read the second time, and referred to the committee on Accounts and Claims.

The bill to amend section 1136 of the Code, was read the second time, and referred to the committee on Roads, Bridges and Ferries.

The bill to elect the county surveyor of Talladega county, by the voters of said county, was read the second time;

And on motion of Mr. Fleming, the bill was amended by adding the county of Madison, and referred to the committee on Privileges and Elections.

The bill to provide for the pay of jurors in the county of Fayette, was read the second time and referred to the Judiciary committee.

The bill for the relief of H. F. Erwin, of Chambers county, was read the second time ; and

On motion of Mr. Clitherall, was laid on the table.

The bill to exempt certain property from levy and sale, for the use of families, was read a second time, and referred to the Judiciary committee.

The bill for the preservation of game in Clarke county, was read the second time and referred to the committee on Propositions and Grievances.

For the relief of John E. McCray, of Butler county, was read the second time, and referred to the committee on Propositions and Grievances.

Mr. Bullock, from the Judiciary committee, reported favorably on the bill to repeal section 110 of the Code.

Report concurred in, and bill ordered to be engrossed.

Mr. Felder, from the Judiciary committee, reported favorably on the bill to allow the judge of probate of Montgomery county



to take jurisdiction of the estate of Wiggins W. Whitaker, deceased, of Autauga county.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Lindsay, from the committee on Education, reported against the bill to amend the present school law.

The report was concurred in, and bill lost.

Mr. Bullock, from the Judiciary committee, reported adversely to the bill to suppress gaming.

Mr. Rowe moved to lay the report on the table; which was carried.

Yeas 16, nays 15.

Yeas—Messrs. President, Abernathy, Austin, Carter, Clitherall, Cocke, Crawford, Deas, Griffin, Hill, Jemison, McKinne, Mitchell, Patton, and Rowe—16.

Nays—Messrs. Agee, Bullock, Burnett, Bynum, Felder, Fleming, Jones of Greene, Lindsay, McSpadden, Rather, Rayburn, Storrs, Thaxton, and Thompson—15.

The question then recurred on the amendment of Mr. Cocke, heretofore offered; which was adopted.

Mr. Lindsay moved the following amendment:

*Be it further enacted*, That the wife of any person violating the provisions of this act, shall be a competent witness on the part of the State.

The bill with the amendments pending, were referred to a select committee of three.

Messrs. McSpadden, Rowe and Clitherall, the committee.

Mr. Jemison, from the committee on Finance and Taxation, reported a substitute for the bill:

“Requiring certain duties to be performed by the tax collector of Lawrence county,” and recommended the passage of the substitute.

Mr. Bynum moved to refer the bill and amendment to a select committee of five; which motion was carried.

Mr. President announced the following as the committee:

Messrs. Bynum, Jemison, Austin, Clitherall and Crawford.

Leave of absence was given to Messrs. Rowe and Griffin.

The Senate then adjourned until to-morrow morning, 10 o'clock.

SATURDAY, November 28, 1857.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Shaver.

The principal secretary being indisposed, the Senator from Pickens, by leave of the Senate, supplied his place.

Mr. Lindsay moved to reconsider the vote of yesterday, refu-

sing to pass the bill to regulate the registration of claims against the counties of Marshall and DeKalb; which was carried.

And on motion of Mr. Lindsay, the bill was laid on the table.

Mr. Bullock presented the petition of Sterling Bass, M. D.; which was read, and upon his motion, the petition, with accompanying documents, were referred to the committee on Propositions and Grievances.

Mr. Thompson introduced a bill to extend the time of holding the Spring term of the circuit court of Pike county one week longer than otherwise prescribed by law; which was read the first time, and ordered to a second reading on Monday next.

Mr. Carter presented the account of David Powell; which was referred to the committee on Accounts and Claims.

Mr. Felder presented the petition of sundry citizens of Montgomery county, asking for an increase of pay to witnesses therein, which was read and referred to the Judiciary committee.

Mr. Crawford introduced a bill to facilitate the business of legislation, which was read the first time, and ordered to a second reading on to-morrow.

Mr. Storrs introduced a bill to incorporate the Rock Island and Coosa Mining company, which was read the first time, and ordered to a second reading on Monday next.

Mr. Storrs introduced the following joint memorial and resolutions to the Senate and House of Representatives of the United States:

*The memorial of the General Assembly of the State of Alabama respectfully represents, That there are within our borders inexhaustible fields of bituminous coal, found by actual experiment to be equal to any known in the United States, for fuel, generating steam, the manufacture of iron, and other purposes, for which bituminous coal is used. In juxtaposition may be found lime rock; also, iron ore to an indefinite extent, unsurpassed for its yield and the fine quality of iron made therefrom, and all crowned by a virgin forest.*

These mines commencing at their southern point on the Alabama and Tennessee Rivers Railroad, stretch away through the counties of Shelby and Jefferson, and other counties, over a vast extent of the State, and underlying a large portion of the public lands within its limits. Water power is abundant, and the country noted for its healthfulness. One terminus of the above named railroad rests upon the Alabama river, by which means they are brought into immediate proximity with the Bay of Mobile and the Gulf of Mexico. There is also a railroad from the capitol of the State to Pensacola in progress, with every prospect of speedy completion, and this General Assembly looks forward to the not

distant period, when a road will be extended through the tract of this region, which may challenge comparison with any portion of our country for its mineral wealth.

From these facts, and the fact that the coast of the Gulf of Mexico is in a more exposed condition than any portion of the United States coast, and has not received as much attention from the government as we think it deserves, we would respectfully call the attention of Congress to the importance of establishing an armory at some point as above indicated, for manufacturing canon and arms suitable for the equipment of troops of the United States service, and from the easy access to Mobile, New Orleans, Pensacola and Galveston, to any arrangement which may be deemed advisable for the establishment of a coal depot for the supply of mail steamers.

*Resolved*, That our Senators and Representatives in Congress be requested to urge this matter, at least if possible to obtain an examination by the government, and that a copy hereof be sent to each of them by the Governor of this State.

The memorial and resolution were read the first time; the constitutional rule suspended, and read a second time.

Mr. McSpadden moved to amend by inserting "other counties" after Shelby, which amendment was adopted, the constitutional rule again suspended, the memorial and resolution considered engrossed, read a third time and passed.

Mr. Clitherall introduced a bill for the benefit of the estate of James Stapp, deceased, late of Pickens county, which was read the first time, and ordered to a second reading on Monday next.

Mr. Bynum offered the following resolution which was read and adopted:

*Resolved*, That the committee on Education be instructed to enquire into the expediency of vesting the clerical duties of the superintendent of education in the secretary of state, and the financial part of the duties of the said superintendent in the comptroller of public accounts, with an increase of the salary of the secretary of state and the comptroller, of five hundred dollars per annum, each, and that the said committee report by bill or otherwise, at as early a day as possible.

Mr. Patton introduced a bill to amend an act approved 3d of February, 1852, to incorporate the North Alabama College; which was read the first time, and ordered to a second reading.

Mr. Patton asked and obtained leave of absence for Mr. Heflin until Tuesday next.

The question then recurred on the adoption of the report of Mr. Patton, from the committee on Banks and Banking, on the resolution requiring them to enquire into the condition of the

**Central Bank at Montgomery, and the Commercial Bank at Selma, with the amendment proposed by Mr. Calhoun, to strike out all which was not responsive to the resolution.**

Pending the question, on motion of Mr. Jemison, the resolution, report and proposed amendment, were re-committed to the committee on Banks and Banking.

Message from the House, by Mr. Elmore :

**Mr. President:** The House has adopted the joint resolutions of the Senate, reported by the committee on Federal Relations, in relation to Kansas affairs.

**Mr. Cocke,** from the committee on Accounts and Claims, reported a substitute for the joint resolutions in reference to the settlement of the account between the State of Alabama and Vincent M. Benham, late secretary of state, which was read and adopted, and ordered to be engrossed for a third reading.

**Mr. Hill,** from the committee on Propositions and Grievances, to whom was referred the resolution—a resolution to provide for and keep at the public expense, all lunatics who are not able to support themselves, reported it inexpedient to legislate on the subject.

**Mr. Agee,** after discussion thereon, moved to re-commit the resolution.

**Mr. Lindsay** moved the previous question, which was sustained, and the report concurred in.

**Mr. Crawford,** from the select committee, reported adversely to the bill "to re-organize the judicial circuits of the State of Alabama.

The report was concurred in and bill lost.

**Mr. Felder,** from the Judiciary, in obedience to the resolution referred to them, with instructions to report upon the constitutionality of re-circulating, by the government, the bills of the State bank and branches, now in the treasury, either by loaning or paying out, reported that it would be unconstitutional for the government to re-circulate the bills of the said banks.

On motion of Mr. Felder, the consideration of the report and resolution were postponed until Wednesday next, and made the special order for the hour of eleven o'clock that day.

**Mr. Clitherall,** from the select committee, to whom was referred the several joint resolutions proposing amendments to the constitution of the State of Alabama, in accordance with the resolutions of the Senate, have conferred with the like committee on the part of the House. The said committee, after due deliberation, reported adversely thereto.

The report was read, and on motion of Mr. Clitherall, the same was laid on the table for the present.

Mr. Storrs, from the committee on Corporations, reported favorably on the bill to incorporate the Society Hill High School, and recommended its passage without amendment.

Mr. Jones, of Greene, moved to amend the bill by striking out the third, fourth and fifth sections, and after a full discussion of the proposed amendment, the same was lost.

Yeas 10, nays 18.

Yeas—Messrs. Bullock, Burnett, Bynum, Fleming, Jones of Greene, Jones of Fayette, Lindsay, McSpadden and Thompson—10.

Nays—Messrs. President, Abernathy, Agee, Austin, Carter, Clitherall, Cocke, Crawford, Deas, Hill, Horn, Jemison, Mitchell, Patton, Rather, Rayburn, Storrs and Thaxton—18.

Mr. Jemison moved to amend by adding the following section:

*And be it further enacted,* That it shall be competent for any subsequent General Assembly of this State, to repeal any provision of this act, upon the petition of a majority of the citizens residing within three miles of the school hereby authorized and established.

Which amendment was adopted.

Mr. Fleming moved to amend further by adding "or drank," after the word "retail" in the third section.

Mr. Clitherall moved to lay the amendment on the table, which motion was carried, and the bill as amended was ordered to be engrossed for the third reading on Monday next.

Mr. Agee offered the following resolution, which was adopted:

*Resolved,* That a committee of three be appointed on the part of the Senate, to act with a like committee on the part of the House, to make suitable arrangements for the inauguration of the Governor on the first day of December, proximo.

Mr. President announced the following committee on the part of the Senate: Messrs. Agee, Rather and Felder.

The Senate then adjourned until Monday morning, 10 o'clock.

MONDAY, November 30, 1857.

Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Hill.

#### CALL OF DISTRICTS.

Mr. Abernathy presented a petition from Elias Reed and others, of Benton county, which was laid on the table.

Mr. Lindsay introduced a bill to require the annual publication of the condition of the treasury of Franklin county, which was read the first time and ordered to a second reading on tomorrow.

Mr. Rayburn introduced a bill to regulate the registration of claims against the counties of Marshall and DeKalb, which was read the first time and ordered to a second reading.

Mr. Patton introduced a bill to incorporate the trustees of the Synod of Alabama, which was read the first time and ordered to a second reading.

Mr. Horn introduced a bill to permanently establish the precinct in Flat Creek beat No. ; which was read the first time and ordered to a second reading.

Mr. Jemison introduced a bill to incorporate the Alabama Central Female College in the city of Tuscaloosa; which was read the first time and ordered to a second reading.

Mr. Jemison presented the petition of A. J. Battle *et al.*, in relation to the old State capitol at Tuscaloosa; which was read and referred to the committee on Education.

Mr. Clitherall, from the Judiciary, to whom was referred resolutions instructing them to enquire into the expediency of passing a law, making it the duty of the several commissioners' courts of the different counties to fix the pay of jurors, reported a bill in accordance thereto, which was read the first time and ordered to a second reading on to-morrow.

Mr. Clitherall, from the Judiciary, to whom was referred House bill to authorize the joinder of causes of action in certain cases, reported adversely thereto.

The report was concurred in and bill lost.

Mr. Clitherall, from the same committee, reported favorably on the engrossed House bill to prescribe the rights and liabilities of general administrators when they resign their office.

Report concurred in, and bill ordered to a third reading on to-morrow.

Message from the House, by Mr. Hames:

Mr. President: The House of Representatives has originated and passed a bill of the following title, and ordered it forthwith to the Senate:

Providing for the holding of an extra term of the circuit court for Macon county.

The House also adheres to its disagreement to the Senate on the bill:

Requiring the Governor to reside at the capitol and fixing his salary.

The message was taken up, and Mr. Jones, of Greene, moved that the Senate recede from its amendment to the Governor's bill, striking out the proviso; which motion was carried, and the secretary was ordered to convey the message forthwith to the House of Representatives.

The House bill indicated in the message was read the first time, the constitutional rule suspended, and read a second time.

Mr. Clitherall moved to amend by striking out in the second section, so much as gives the circuit judges one hundred and fifty dollars.

Pending the amendment, Mr. McSpadden moved to refer the bill and amendment to the Judiciary committee; which was lost.

Mr. Bynum then moved to lay the bill on the table; which motion was carried, and the bill laid on the table.

Message from the House, by Mr. Hames:

Mr. President: The House has concurred in the following Senate resolution:

*Resolved*, That a committee of three be appointed on the part of the Senate, to act with a like committee on the part of the House, to make suitable arrangements for the inauguration of the Governor, on the first day of December, *proximo*: and have appointed the following committee:

Messrs. Smith, of Lauderdale, Irby and Scarborough.

Mr. McSpadden, from the committee on Enrolled Bills, reported as correctly enrolled:

The joint resolutions of the State of Alabama, in regard to the Hon. Benjamin Fitzpatrick and Hon. C. C. Clay, jr., Senators in Congress;

And joint resolutions in relation to the Commercial Bank and Central Bank of Alabama.

Mr. Patton, from the committee on Banks and Banking, reported favorably on the bill,

To authorise the Mobile Railway and Insurance Company to consolidate its capital stock.

The report was concurred in, and the bill ordered to be engrossed for a third reading on to-morrow.

Mr. Patton, from the committee on Banks and Banking, to whom was re-committed a report and resolution of the Senate, instructing them to inquire into the condition of the Central Bank, at Montgomery, and the Commercial Bank, at Selma, and instructing them to report at as early a day as possible, made the following report:

“Your committee proceeded, without delay, to ascertain the condition of the banks referred to in said resolution, and herewith report a sworn statement, furnished by the cashier and book-keeper of the Central Bank, at Montgomery, (marked A.,) as showing the condition of said bank on the 24th inst.; also the sworn statement of the president of the Commercial Bank, at

Selma, (marked B.,) as showing the condition of said bank on the 16th instant.

"From these respective statements, your committee do not hesitate to say, the condition of said banks is sound and entitled to public confidence.

"The principal liabilities of the Central Bank are—its circulation, \$895,295; \$4,583 83, due to the Southern Bank of Alabama; and amount due to depositors, \$193,245 59, against assets reaching the sum of \$1,757,251 11; which shows a balance of assets over and above the liabilities of \$664,076 69.

"The liabilities of the Commercial Bank consists of amount due to depositors, \$37,304 23; due to other banks, \$35,748 90; actual circulation, \$228,976; amounting in all to \$302,029 13—whilst the assets, consisting of exchange on the different points, local discounts, and gold and silver in the vaults, sum up to \$619,325 91; showing the actual balance in favor of its assets, \$317,295 78.

"Your Committee are pleased to report that the presidents and other officers of said institutions were not only prompt in furnishing the succinct and satisfactory statements herewith submitted, but that they willingly proposed to throw open their books and vaults for the examination of your committee; and to give all other information necessary to ascertaining the true condition of said Banks. (Signed) R. M. PATTON,

November 30, 1857.

Chairman."

The report was read and concurred in.

Mr. Clitherall, from the Judiciary, to whom was referred "the House bill to make Sealey Ramer, of the county of Covington, a free dealer;" and the Senate bill to make Elizabeth C. Moore, of Chambers county, a free dealer, reported that sections 383 and 384 provided for the purposes sought by the bills to be attained, and that it was manifestly inexpedient to pass the bills.

The report was concurred in and the bills lost—Yeas 17, nays 10.

Yeas—Messrs. President, Abernathy, Agee, Burnett, Clitherall, Cocke, Felder, Fleming, Jemison, Jones of Greene, Lindsay, McSpadden, Patton, Rather, Rayburn, Storrs and Thompson—17.

Nays—Messrs. Austin, Bynum, Carter, Crawford, Deas, Hill, Horn, McKinne, Mitchell and Thaxton—10.

Mr. Bynum, from the committee on Privileges and Elections, to whom was referred the House bill to elect the surveyor of Talladega by the qualified voters of said county, reported the same back, and recommended its passage, with the amendment of section 2, as to the county of Madison.



The report was concurred in, the amendment adopted, and the bill ordered to a third reading on to-morrow.

The hour of 12, M., having arrived,

The first special order, the bill to destroy the bills of the State bank and branches, was taken up, and the motion of Mr. Clitherall was postponed, and made the special order for 11 o'clock on Wednesday next, in connection with the resolution on the subject, heretofore postponed for that day and hour.

The second special order, the bill to provide for annual sessions of the General Assembly and annual elections of representatives thereto, was, on motion of Mr. Jones, of Greene, postponed to Wednesday and made the special order for the hour of 12 o'clock, on that day.

#### ORDERS.

The Senate then proceeded to the consideration of the general orders.

Engrossed House bill:

For the relief of John W. Creagh, of Wilcox county, was read a third time and passed.

Engrossed Senate bill:

To incorporate the Society Hill High School, was read the third time and passed—Yeas 19, nays 8.

Yeas—Messrs. Abernathy, Agee, Austin, Carter, Clitherall, Cocke, Crawford, Deas, Felder, Hill, Horn, Jemison, McSpadden, Mitchell, Patton, Rather, Rayburn, Storrs and Thaxton—19.

Nays—Messrs. President, Burnett, Bynum, Fleming, Jones of Greene, Lindsay, McKinne and Thompson—8.

Senate bill:

To repeal section 110 of the Code, was read the third time; and, after elaborate discussion, was, on motion of Mr. Fleming, laid on the table—Yeas 19, nays 7.

Yeas—Messrs. President, Abernathy, Agee, Austin, Burnett, Carter, Clitherall, Cocke, Crawford, Felder, Fleming, Hill, Horn, McKinne, McSpadden, Patton, Rather, Rayburn and Thaxton—19.

Nays—Messrs. Bynum, Deas, Jemison, Jones of Greene, Lindsay, Mitchell and Thompson—7.

Joint resolutions:

In reference to the settlement of the account between the State of Alabama and the late secretary of state, Vincent M. Benham, were read the third time and passed.

Senate bill:

To allow the judge of probate of Montgomery to take juris-

diction of the estate of Wiggins W. Whitaker, deceased, of Autauga county, was read third time.

Mr. Clitherall moved to amend by engrossed ryder, as follows:

*"Provided, That the said probate judge of Montgomery county shall only charge such fees in the settlement of said estate as are allowed by the general fee bill."*

The amendment was adopted, the rule suspended, read a second time, the constitutional rule again suspended, read a third time and passed; and the bill, as amended, then passed.

The following bills were severally read the second time and referred to the Judiciary committee:

House bills:

For the relief of the administrator of Peter F. Patrick;

To amend section 3992 of the Code, in reference to the fees of sheriffs in criminal cases; and

Senate bill:

For the benefit of the estate of James Stapp, deceased, late of Pickens county;

House bill:

For the relief of George Powell, of Blount county, was read the second time and referred to the committee on Accounts and Claims.

Joint resolutions:

To procure the passage of a bill in Congress to allow surviving officers and soldiers in the war of 1812 and '15, were read the second time and referred to the Military committee.

The bill to facilitate the business of legislation, was read the second time and referred to the committee on Finance and Taxation.

The bill to extend the time of holding the Spring term of the circuit court of Pike county one week longer than otherwise prescribed by law, was read the second time and referred to a select committee of senators from the 8th judicial circuit.

Mr. President announced the following committee:

Messrs. Thompson, McKinne, Bullock and Felder.

The bill to incorporate the Rock Island and Coosa Mining company, was read the second time and referred to the committee on Corporations.

The bill to amend an act, approved February 3, 1852, to incorporate the North Alabama College, was read the second time and referred to the committee on Education.

Mr. Agce, from the joint committee on the part of the two houses, appointed to make arrangements for the inauguration of the Governor elect, on the 1st proximo, have performed that

duty, and have instructed me to report, that a procession will form according to the programme to be published in to-morrow's papers.

The two houses will assemble in the hall of the House of Representatives at 12 o'clock, M., on the first day of December, prox., when the committee will escort the Governor elect to the Speaker's chair, at which time the oath of office will be administered to him, and he will deliver his inaugural address.

Mr. Bynum, from the select committee, to which was referred the bill requiring certain duties to be performed by the tax collector in the county of Lawrence, with the amendment thereto, reported by the committee on Finance and Taxation, reported a substitute, making the proposed law a general one.

The report was concurred in; the substitute adopted, and ordered to be engrossed for a third reading.

Mr. Patton, with leave, introduced a bill to sanction the suspension of specie payments by the Central and Commercial Banks of Alabama; which was read the first time, the constitutional rule suspended, the bill read a second time, and referred to the committee on Banks and Banking.

Mr. Patton offered the following resolution:

*Resolved*, That the committee on State Printing be requested to call on the state printers, and ascertain what time the report of the comptroller of public accounts and state treasurer, (accounts to be printed,) will be ready for delivery to the Senate.

On motion of Mr. Rather,

The Senate then adjourned until to-morrow morning, 10 o'clock.

TUESDAY, December 1, 1857.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Mitchell.

#### CALL OF DISTRICTS.

Mr. Deas offered the following resolution:

*Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That our Senators and Representatives in Congress, be requested to say to the President of the United States, that it would be acceptable to this General Assembly, that Lieutenant Maury, of the United States Navy, should be removed from the retired list of officers and placed in his former rank and standing in the service; which was read, the constitutional rule suspended, read the second time—the rule again suspended, the resolution read a third time, and unanimously adopted.

Mr. McSpadden introduced a bill to be entitled an act to secure the State against fraudulent claims; which was read the first time and ordered to a second reading on to-morrow.

Mr. Clitherall, from the Judiciary committee, reported favorably on the following House bills; which were severally read and ordered to a third reading on to morrow:

To regulate appeals from probate courts;

To repeal an act, approved February 5, 1840, in relation to justices court in Pike county,

Mr. McSpadden, from the committee on the Judiciary, reported a substitute for the bill to incorporate the Lafayette Insurance company; which was read.

Mr. Clitherall moved to lay the report, bill and amendment on the table; which was lost.

Mr. Bynum moved to amend as follows:

SECTION — *And be it further enacted*, That the secretary or other officers of said Insurance company, must not pay out or use in discounting promissory notes, or in the purchase of bills of exchange, or in payment of checks drawn upon general deposit, or in any manner give circulation to the bills of banks of other States; but such bills may be received in the usual transactions of business, to be returned to the banks from which they issued.

Mr. Clitherall moved to take an informal recess; which was lost.

The question recurred on the amendment offered by Mr. Bynum.

Leave being granted, Mr. Bynum offered the following resolution:

*Resolved*, That the bill and amendments be referred to the committee on Banks and Banking, with instructions to amend said bill and all other bills for similar objects by the provision, that said insurance companies shall not pay out or loan bills of banks out of the State.

Pending the discussion on the resolution of Mr. Bynum,

A message from the House, by Mr. Hames:

Mr. President: The House of Representatives has originated and passed bills of the following titles:

For the relief of certain persons therein named;

Concerning registers in chancery;

To divorce Elizabeth Elliott from her husband, Robt. Elliott, and to divorce other persons therein named;

To repeal an act to consolidate the offices of judge of probate and clerk of the circuit court of Hancock county, approved February 2, 1854;

To prevent the levy of an execution on a growing crop;  
 To define the duties of justices of the peace and constables in  
 Coffee county ;

For the relief William T. Webb and his securities;

To amend the insolvent debtors' law;

To repeal an act therein named, relating to the deposit of  
 moneys in the Savings Bank of Mobile;

In relation to the duties of the judge of probate and commis-  
 sioners' court of the county of Pickens;

Authorizing the court of county commissioners in the county  
 of Covington, to establish one or more places of voting in each  
 election precinct;

To authorize the administrator of William Towns to sell and  
 convey real estate;

To amend the charter of the Mobile Bay Road company ;

To authorize the people of Pickens county to elect the sur-  
 veyor of said county ;

To prevent the adulteration of liquors, &c.;

To change the time of holding the Fall term of the chancery  
 court of Dallas county ;

To repeal an act entitled an act to make the circuit court  
 judges rotate throughout the State, and for other purposes ;

To amend the law in regard to bail in civil actions ;

To extend the operation of section 2768 of the Code ;

For the relief of William Brasseal, of Blount county.

The House has also passed the following Senate bills:

To compensate J. J. Ormond and A. S. Nicholson, for services  
 rendered the State ;

To lay off Benton county into commissioners' districts, and  
 for other purposes ;

To repeal an act entitled an act to regulate the fees of the pro-  
 bate judge of Cherokee county in issuing marriage license.

Pending the question on the resolution of Mr. Bynum,

A message was received from the House inviting the Senate  
 into the House of Representatives, for the purpose of participa-  
 ting in the inauguration of the Governor elect.

Thereupon, the Senate repaired to the hall of the House of  
 Representatives, where, after prayer by the Right Rev. Bishop  
 Cobbs, the Governor elect delivered his inaugural address ; and  
 then in the presence of both houses, the oath of office was ad-  
 ministered to him by the Speaker of the House of Representa-  
 tives.

After which the Senate returned to their chamber ; and,

On motion of Mr. Lindsay,

The Senate then adjourned until to-morrow morning, 10 o'clock.

DECEMBER 2, 1857.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Tichenor.

Mr. Rowe introduced a bill to repeal certain sections of the Code therein named; which was read the first time and ordered to a second reading.

Mr. McSpadden reported as correctly enrolled:

Joint resolutions in relation to Kansas affairs.

The Senate resumed the consideration of the bill to incorporate the Lafayette Insurance company.

The question pending on the resolution of Mr. Bynum.

Leave being granted, Mr. Bynum withdrew his resolutions; and

Mr. Jemison moved to refer the bill and amendment to the committee on Banks and Banking; which was lost.

Yeas 13, nays 18.

Yeas—Messrs. Abernathy, Bullock, Carter, Clitherall, Cocke, Felder, Fleming, Hill, Horn, Jemison, McKinne, Mitchell and McSpadden—13.

Nays—Messrs. President, Agee, Austin, Burnett, Bynum, Crawford, Deas, Griffin, Jones of Greene, Jones of Fayette, Lindsay, Patton, Rather, Rayburn, Rowe, Storrs, Thaxton and Thompson—18.

The hour of 11 having arrived, Mr. Lindsay moved to suspend the special order to proceed with the bill under consideration.

The Senate refused to suspend.

Yeas 13, nays 18.

Yeas—Messrs. Abernathy, Agee, Austin, Bullock, Bynum, Cocke, Hill, Jemison, Lindsay, McSpadden, Patton, Rather and Storrs—13.

Nays—Messrs. President, Burnett, Carter, Clitherall, Crawford, Deas, Felder, Fleming, Griffin, Horn, Jones of Greene, Jones of Fayette, McKinne, Mitchell, Rayburn, Rowe, Thaxton and Thompson—18.

The Senate proceeded to the consideration of the report of the committee on the Judiciary, on the bill to provide for burning the bills of the State bank and branches, together with the bill for that purpose.

Mr. Jones, of Greene, moved to lay the report on the table; which was carried.

Yeas 20, nays 11.

Yeas—Messrs. President, Abernathy, Austin, Bullock, Burnett, Bynum, Cocke, Deas, Fleming, Griffin, Hill, Horn, Jones

of Greene, Lindsay, McKinne, McSpadden, Rayburn, Rowe, Thaxton and Thompson—20.

Nays—Messrs. Agee, Carter, Clitherall, Crawford, Felder, Jemison, Jones of Fayette, Mitchell, Patton, Rather and Storrs—11.

Mr. Bynum moved that the Senate do now adjourn until to-morrow morning, 10 o'clock; which was lost.

Mr. Patton moved to amend as follows:

Strike out first section and insert in lieu thereof:

*Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That all the bills now in the State treasury over the denomination of one hundred dollars, amounting to the sum of four hundred and fifty thousand dollars; and all the bills of less denominations so mutilated as to be unfit for circulation, amounting to the sum of two hundred and sixty-three, and two hundred and fifty-seven dollars, be, and they are hereby ordered to be destroyed by burning in the manner hereinafter provided.

Mr. Bynum moved to adjourn until to-morrow morning, 10 o'clock; which was lost.

Yeas 2, nays 27.

Yeas—Messrs. Bynum and Rather—2.

Nays—Messrs. President, Abernathy, Austin, Bullock, Burnett, Carter, Clitherall, Cocke, Crawford, Deas, Felder, Fleming, Griffin, Hill, Horn, Jemison, Jones of Greene, Jones of Fayette, McKinne, McSpadden, Mitchell, Patton, Rayburn, Rowe, Storrs, Thaxton and Thompson—27.

The question under consideration was resumed.

At 1 o'clock and twenty minutes past, Mr. Bullock moved to adjourn until to-morrow morning, 10 o'clock.

Motion lost.

Yeas 15, nays 16.

Yeas—Messrs. Abernathy, Austin, Bullock, Clitherall, Cocke, Griffin, Hill, Horn, Jemison, Mitchell, Rather, Rayburn, Rowe, Storrs and Thompson—15.

Nays—Messrs. President, Agee, Burnett, Bynum, Carter, Crawford, Deas, Felder, Fleming, Jones of Greene, Jones of Fayette, Lindsay, McKinne, McSpadden, Patton and Thompson—16.

After further discussion, Mr. Jones, of Fayette, moved to adjourn till 3 o'clock, P. M.; which was lost.

The question then recurred on Mr. Patton's amendment; and after further discussion,

The Senate adjourned until to-morrow, 10 o'clock.

DECEMBER 3, 1857.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Tichenor.

Mr. Bullock introduced a bill relating to Building and Loan associations; which was read the first time, and ordered to a second reading.

Mr. President (Mr. Clitherall in the chair) moved to take from the messages from the House,

The bill to change the time of holding the Fall term of the chancery court of Dallas county; which was carried.

The bill was read the first and second time forthwith, and laid on the table for the present.

Mr. Crawford presented the petition of Wm. A. Wilson; which was referred to the committee on Propositions and Grievances.

Mr. Rowe offered the following resolution; which was adopted:

*Resolved*, That the secretary be instructed to procure a suitable clock for the use of the Senate.

Mr. Abernathy introduced a bill to amend section 1160 of the Code of Alabama; which was read the first time, and ordered to a second reading.

Mr. McSpadden reported as correctly enrolled,

An act to repeal an act to regulate the fees of the probate judge of Cherokee county in issuing marriage licenses

An act to compensate J. J. Ormond and A. S. Nicholson for services rendered the State;

An act to lay off Benton county into commissioners' districts, and for other purposes.

Mr. Rather introduced a bill to amend 3161 of the Code; also,

A bill to repeal an act to define the limits of the town of Somerville in the county of Morgan, and to incorporate the same, approved January 19; which were severally read the first time, and ordered to a second reading.

The Senate then resumed the consideration of the bill,

To incorporate the La Fayette Insurance company, with Mr. Bynum's amendment.

Mr. Mitchell moved to postpone till Saturday, 11 o'clock, A. M., and make special order; lost.

Yeas 15, nays 16.

Yeas—Messrs. Abernathy, Bullock, Carter, Clitherall, Deas, Felder, Griffin, Hill, Jemison, McKenne, McSpadden, Mitchell, Rowe, Storrs and Thompson,—15.

Nays—Messrs. President, Agee, Austin, Burnett, Bynum Cocke, Crawford, Fleming, Horn, Jones of Greene, Jones of Fayette, Lindsay, Patton, Rather, Rayburn and Thaxton—16.



The question then recurred on the amendment, pending which, Mr. President laid before the Senate the report of J. Whiting, commissioner and trustee; which was read;

And upon motion of Mr. Rather, the report, with instructions to have 3,300 copies printed in such manner as they may deem best, was referred to the joint committee on State Bank and Branches.

Mr. Agee moved to strike out thirty three hundred copies, and insert two thousand; which was lost.

The Senate then resumed the consideration of the bill and amendment to incorporate the La Fayette Insurance company.

The hour of 11 o'clock having arrived, the special order, the bill to destroy the bills of the State Bank and Branches, was taken up:

Mr. Lindsay moved to postpone the consideration of the same, to dispose of the pending question, Mr. Bynum's amendment; which was lost.

Yeas 11, nays 19.

Yeas—Messrs. Agee, Bynum, Cocke, Crawford, Griffin, Jones of Greene, Lindsay, Mitchell, Rather Rayburn and Storrs—11.

Nays—Messrs. President, Abernathy, Austin, Bullock, Burnett, Carter, Clitherall, Deas, Felder, Fleming, Hill, Horn, Jones of Fayette, McKinne, McSpadden, Patton, Rowe, Thaxton and Thompson—19.

Mr. Agee moved to suspend the special order, to take up the message from the House; which was lost.

Yeas 12, nays 20.

Yeas—Messrs. Abernathy, Agee, Austin, Bullock, Burnett, Deas, Griffin, Hill, McSpadden, Patton, Rather and Storrs—12.

Nays—Messrs. President, Bynum, Clitherall, Cocke, Crawford, Felder, Fleming, Horn, Jemison, Jones of Greene, Jones of Fayette, Lindsay, McKinne, Mitchell, Rayburn, Rowe, Thaxton and Thompson—20.

The consideration of the bill to destroy the bank bills of the State Bank, with the amendment of Mr. Patton, was resumed, and after elaborate discussion the Senate refused to adopt the amendment.

Yeas 12, nays 19.

Yeas—Messrs. Abernathy, Austin, Clitherall, Deas, Fleming, Hill, Jemison, McSpadden, Patton, Rayburn and Storrs—12.

Nays—Messrs. President, Agee, Bullock, Burnett, Bynum, Carter, Cocke, Crawford, Felder, Griffin, Horn, Jones of Greene, Jones of Fayette, Lindsay, McKinne, Mitchell, Rowe, Thaxton and Thompson—19.

And the bill was ordered engrossed for a third reading on to-morrow.

Yeas 19, Nays 12.

Yeas—Messrs. President, Agee, Bullock, Burnett, Bynum, Carter, Cocke, Crawford, Felder, Griffin, Horn, Jones of Greene, Jones of Fayette, Lindsay, McKinne, Mitchell, Rowe, Thaxton and Thompson.

Nays—Messrs. Abernathy, Austin, Clitherall, Deas, Fleming, Hill, Jemison, McSpadden, Patton, Rather, Rayburn and Storrs.

Message from his excellency the Governor, by Mr. Powell.

Mr. President: His excellency the Governor has approved of the following bills which have originated in the Senate:

An act to repeal an act to regulate the fees of the probate judge of Cherokee county in issuing marriage license;

An act to lay off Benton county into commissioners' districts, and for other purposes;

An act to compensate J. J. Ormond and A. S. Nicholson for services rendered the State. (Signed)

A. POWELL,

Private Secretary.

The Senate then adjourned until to-morrow morning, 10 o'clock.

DECEMBER 4, 1857.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Shaver.

Ordered that leave of absence be granted to Mr. Burnett.

Mr. Agee introduced a bill to lay off the counties into commissioners' districts.

Mr. Horn introduced a bill to regulate the tax fees of jurors in the county of Coffee; also,

A bill to provide for the pay of commissioners of roads and revenue for Coffee county.

Mr. Bullock offered joint resolutions in relation to foreign policy.

Mr. Griffin introduced a bill for the relief of tax payers; also,

A bill to regulate the fees of the judge of probate of Russell county; also,

A bill to repeal an act approved February 1, 1840; and

A bill for the relief of Stephen M. Juquoll, of Russell county; which were severally read the first time, and ordered to a second reading.

On motion of Mr. Felder,

*Resolved*, That the door-keeper be instructed to procure suitable stoves for the Senate chamber, and dispose of the present stoves on the best terms practicable.

Mr. Cocke introduced a bill to revive and extend an act approve February 18, 1854, to provide for the extension of the debts due 16th sections.

Mr. McSpadden introduced a bill to accept the grants of land by Congress, to the Coosa and Chattanooga river Railroad.

Mr. Patton introduced a bill for the relief Charles Gaskin; which were severally read the first time, and ordered to a second reading.

Mr. Mitchell moved to reconsider the vote on the resolution offered this morning by Mr. Felder; which was lost.

The Senate proceeded to consider the bills from the House of Representatives:

The bills for the relief of William Brasseal of Blount county;

To extend the operation of section 2768 of the Code;

To amend the law in regard to bail in civil cases;

To divorce Elizabeth Elliott from her husband, Robert Elliot, and to divorce other persons therein named;

To repeal an act to require circuit court judges to rotate throughout the State, and for other purposes; were severally read the first time and ordered to a second reading.

The bill from the House to prevent the adulteration of liquors &c., was read the first time.

My Bynum moved to suspend the rule and read the second time forthwith; which was lost.

Yeas 14, nays 15.

Yeas—Messrs. Abernathy, Austin, Bullock, Bynum, Felder, Griffin, Jones of Greene, Lindsay, McKinne, Mitchell, Rayburn, Rowe and Thaxton—14.

Nays—Messrs. President, Agee, Carter, Clitherall, Cocke, Crawford, Deas, Fleming, Hill, Horn, Jones of Fayette, McSpadden, Patton, Rather and Storrs—15.

The bill was ordered to a second reading.

The bills from the House, to authorize the people of Pike county to elect the county surveyor of said county;

To amend the charter of the Mobile Bay Road company;

To authorize the administrator to sell and convey real estate;

Authorizing the court of county commissioners of Covington county to establish one or more places of voting in each election precinct;

In relation to the duties of the judge of probate and commissioners court of the county of Pickens;

To repeal an act therein named, relating to the deposit of moneys in the Savings Bank of Mobile;

To amend the insolvent debtors law;

For the relief of William T. Webb and his securities;

To define the duties of justices of the peace and constables in the county of Coffee;

To prevent the levy of an execution on a growing crop;

To repeal an act to consolidate the offices of judge of probate and clerk of the circuit court of Hancock county;

An act concerning registers in chancery;

For the relief of certain persons therein named; were severally read the first time and ordered to a second reading.

The Senate resumed the consideration of the bill to incorporate the La Fayette Insurance company:

Question pending on the amendment heretofore offered by Mr. Bynum.

Mr. Bullock moved to lay the amendment on the table; which was carried.

Yeas 16, nays 13.

Yeas—Messrs. Abernathy, Bullock, Carter, Clitherall, Cocke, Felder, Fleming, Hill, Horn, McKinne, McSpadden, Mitchell, Rayburn, Storrs, Thaxton and Thompson—16.

Nays—Messrs. President, Agee, Austin, Bynum, Crawford, Deas, Griffin, Jemison, Jones of Greene, Jones of Fayette, Lindsay, Rather, and Rowe—13.

Mr. Clitherall moved to amend as follows:

*Provided*, That the General Assembly may, at any time hereafter, alter, modify, or revoke the charter hereby created; which was adopted.

The substitute reported by the committee, was then adopted.

Mr. Storrs moved to amend as follows:

*And be it further enacted*, That the secretary or other officer of said company, shall not pay out or use in discounting promissory notes, or in the purchase of promissory notes, or in the purchase of bills of exchange, or in payment of checks drawn upon general deposit, or in any manner give circulation to the bills of banks of other States, but such bills may be received for any purpose in the usual transaction of business, to be returned to the banks from which they issued: *Provided*, That this section shall not take effect until the first day of January, 1860.

Mr. Bynum moved to strike out "1860" and insert 1859.

A division of the question being called, it was first taken upon striking out.

The Senate refused to strike out.

Yeas 12, nays 17.

Yeas—Messrs. President, Agee, Austin, Bynum, Cocke, Crawford, Deas, Fleming, Hill, Jones of Fayette, Lindsay and Rather—12.

Nays—Messrs. Abernathy, Bullock, Carter, Clitherall, Felder, Griffin, Horn, Jemison, Jones of Greene, McKinne, McSpadden, Mitchell, Patton, Rayburn, Rowe, Storrs and Thaxton—17.

Mr. Jones, of Greene, moved to postpone the further consideration of the bill and amendment until Monday next 11 o'clock and made it a special order; which was lost.

Mr. Clitherall moved to strike out the proviso in the amendment offered by Mr. Storrs; which was lost.

Mr. Bynum moved to lay the amendment on the table; which was lost.

The amendment was adopted.

Yeas 16, nays 14.

Yeas—Messrs. President, Abernathy, Agee, Crawford, Deas, Fleming, Griffin, Jemison, Jones of Fayette, Lindsay, Patton, Rather, Rayburn, Rowe, Storrs and Thaxton—16.

Nays—Messrs. Austin, Bullock, Bynum, Carter, Clitherall, Cocke, Felder, Hill, Horn, Jones of Greene, McSpadden, Mitchell and Thompson—14.

The bill was ordered to be engrossed.

Yeas 20, nays 10.

Yeas—Messrs. President, Abernathy, Bullock, Carter, Clitherall, Cocke, Felder, Hill, Horn, Jemison, Jones of Greene, McKinne, McSpadden, Mitchell, Patton, Rayburn, Rowe, Storrs, Thaxton and Thompson—20.

Nays—Messrs. Agee, Austin, Bynum, Crawford, Deas, Fleming, Griffin, Jones of Fayette, Lindsay and Rather—10.

Mr. Cocke, in pursuance of previous notice, moved to reconsider the vote on ordering to be engrossed the bill to provide for burning the bills of the State bank and branches.

Mr. Jones, of Greene, moved to lay the motion on the table; which was carried.

Mr. Clitherall, from the committee on the Judiciary, to whom was referred the bill for the benefit of the estate of J. Stapp, of Pickens, reported the same back without amendment and recommend its passage.

The bill was ordered to be engrossed.

The hour of 12 having arrived, the Senate took up the special order, it being the bill to provide for annual sessions of the General Assembly, and annual elections of representatives thereto.

Mr. Bynum moved to postpone the special order until to-morrow at 11 o'clock, and make it the special order; which was carried.

Yeas 22, nays 7.

Yeas—Messrs. President, Abernathy, Agee, Bullock, Bynum, Clitherall, Cocke, Crawford, Deas, Hill, Horn, Jemison, Jones of

Greene, Lindsay, McSpadden, McKinne, Patton, Rather, Rayburn, Rowe, Storrs and Thompson—22.

Nays—Messrs. Austin, Felder, Fleming, Griffin, Jones of Fayette, Mitchell and Thaxton—7.

Mr. Bynum, from the committee on the Judiciary, reported favorably on the bill for the relief of the administrator of Peter F. Patrick, with an amendment, which was adopted.

Mr. Jemison also moved to amend; which was adopted.

The bill read the third time forthwith and passed.

Mr. Bullock moved to suspend the general orders of the day, to receive reports from committees.

Yeas 27, nays 3.

Yeas—Messrs. President, Abernathy, Agee, Austin, Bullock, Bynum, Carter, Clitherall, Cocke, Crawford, Deas, Felder, Hill, Horn, Jemison, Jones of Greene, Lindsay, McKinne, McSpadden, Mitchell, Patton, Rather, Rayburn, Rowe, Storrs, Thompson and Thaxton—27.

Nays—Messrs. Fleming, Jones of Fayette, and Griffin—3.

Mr. Patton, from the committee on Banks and Banking, to whom was referred the joint resolutions for the protection of the State treasury, reported it inexpedient to pass the resolutions.

Upon motion of Mr. Jones, of Greene, the resolutions and report were laid on the table.

Mr. Rather, from the committee on Internal Improvements and Inland Navigation, reported favorably on the bill to accept the grant of land to the State of Alabama by an act of Congress, entitled an act granting public lands in alternate sections to the States of Florida and Alabama, to aid in the construction of certain railroads in said States, approved May 17, 1856.

Mr. Jemison moved to amend as follows: After the word "land," in the second line of section two, on the second page, add, "with good and sufficient sureties to apply in good faith, or their proceeds to the construction of the road as required by the aforesaid act of Congress;" the amendment was lost.

Yeas 8, nays 21.

Yeas—Messrs. Bynum, Carter, Cocke, Griffin, Jemison, Jones of Fayette, Lindsay and Rowe—8.

Nays—Messrs. President, Abernathy, Austin, Bullock, Clitherall, Crawford, Deas, Felder, Fleming, Hill, Horn, Jones of Greene, McKinne, McSpadden, Mitchell, Patton, Rather, Rayburn, Storrs, Thaxton and Thompson—21.

And the bill was ordered to be engrossed for a third reading.

Message from his excellency, the Governor, by Mr. Powell:

Mr. President: His excellency, the Governor, has approved the following laws originated in the Senate:

Joint resolutions reported by the committee on Federal Relations and Kansas affairs.

(Signed,)

A. POWELL,  
Private Secretary.

Mr. Rather, from the same committee, reported that the bill to vest in the Tennessee and Alabama Central Railroad company, certain lands granted by Congress in trust to the State of Alabama, to aid in the construction of the Tennessee and Alabama Central Railroad, should be amended first by striking out the words "with good and sufficient security," and adding another section, No. 3.

Mr. Jemison called for a division of the question, and the motion to strike out was sustained.

The question then recurred on the adoption of the additional section as reported by the committee, and carried.

And the bill as amended, was ordered to be engrossed.

Mr. Rather, from the same committee, reported the adoption of the amendment to the third section of the bill, as reported by the Judiciary committee, and an additional section to the bill, To accept the grant and carry into execution the trust conferred upon the State of Alabama, by an act of Congress, entitled an act granting public lands in alternate sections, to the State of Alabama, to aid in the construction of certain railroads in said State, approved 3d of June, 1856, and as amended, recommended its passage.

Mr. Jemison moved to amend as follows: In section 2, after the word "land" insert "with good and sufficient surety, to apply in good faith said lands, or their proceeds, to the construction of the road, as required by the aforesaid act of Congress; which was lost.

The Senate then adopted the amendment as reported by the Judiciary committee as to the 3d section, and the amendment section 4, as reported by this committee, was adopted, and the bill, as amended, was ordered to be engrossed for a third reading.

Mr. Bullock, from the committee on the Judiciary, to whom was referred the House bill, to amend the criminal law in relation to rape, incest and adultery, reported the following amendments:

1. Strike out the fourth clause in the bill.

2. At the end of the third clause, add the words, "but no conviction under this section shall be had upon the unsupported evidence of the woman alone."

3. Strike out the words "for life," at the end of the third section, and insert in lieu thereof the words, "not less than ten years."

4. In the sixth section, between the words "and" and "imprisoned," insert the words "may be."

The amendments were severally adopted, and the bill ordered to a third reading on to-morrow.

Mr. Bullock, from the same committee, reported a substitute for the House bill, to authorize certain persons therein named to be admitted to practice law, on the conditions therein named; the substitute was read, adopted and ordered to a third reading on to-morrow.

The Senate adjourned until to-morrow morning, 10 o'clock.

SATURDAY, December 5, 1857.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Shaver.

On motion of Mr. Deas,

The petition of the president and directors of the Mobile and Ohio Railroad, was taken from the table and referred to the committee on Internal Improvements and Inland Navigation.

Mr. Griffin presented two petitions in regard to the court house in Russell county, which were referred to a select committee, composed of Messrs. Horn, Felder, Jones of Fayette, McKinne, Carter, Storrs, Cocke, Thaxton and Griffin.

Message from the House, informing the Senate that the House had passed a bill in regard to extending the time for the payment of taxes into the State treasury.

Mr. President (Mr. Patton in the chair) presented the memorial of the Alallama and Tennessee Rivers Railroad company, which was referred to the committee on Inland Navigation and Internal Improvements.

Mr. Cocke introduced a bill to incorporate the Marion Insurance and Trust company.

Mr. Mitchell introduced a bill to repeal the 2510th section of the Code of Alabama; which were severally read the first time and ordered to a second reading.

On motion of Mr. Abernathy,

*Resolved*, That the committee on Education be instructed to enquire into the expediency of so amending the present school law, as to allow adequate compensation, at least to one of the trustees of each township, for the labor and services bestowed by said trustees in and about making out returns, &c., as now required by said law.

Mr. Storrs introduced a bill for the relief of John S. Barnes.

Mr. Clitherall introduced a bill to regulate the manner and reduce the expense of advertising the settlement of executors, administrators and guardians.



Mr. Bynum introduced a bill to prevent all banks and other corporations from paying out or using the bank notes of other States.

Mr. Thaxton introduced a bill to incorporate a botanical medical board for the county of St. Clair; which were severally read the first time and ordered to a second reading.

Mr. Fleming offered the following resolution:

*Resolved*, That the Senate will not adjourn for a longer term than two days, until it adjourn *sine die*; which was lost.

Yeas 18, nays 11.

Yeas—Messrs. President, Abernathy, Agee, Austin, Bullock, Bynum, Clitherall, Carter, Deas, Felder, Griffin, Horn, Jones of Greene, Jones of Fayette, Lindsay, Patton, Rather and Thompson—18.

Nays—Messrs. Cocke, Crawford, Fleming, Hill, McKinne, McSpadden, Mitchell, Rayburn, Rowe, Storrs and Thaxton—11.

Message from the House, by Mr. Hames:

Mr. President: The House of Representatives has originated and passed bills of the following titles:

To amend section 1860 of the Code of Alabama;

To increase the pay of regular and tales jurors in the counties of Choctaw and Clarke;

For the relief of Wm. G. Swanson, sheriff of Macon county;

For the relief of defendants in execution in Autauga county;

To extend the provisions of sections 2461 and 2605 of the Code of Alabama;

For the relief Wm. J. Mims, administrator, and George W. Zeigler, of Autauga county;

Joint resolutions changing the seal of the State;

To authorise justices of the peace to apportion hands on the roads in Pickens county;

For the relief of Mrs. Miriam M. Rattenberry;

To repeal an act therein named, approved January 18, 1845;

For the benefit of the clerk of the circuit court of Cherokee county;

Authorising the qualified voters of Conecuh county to elect a tax assessor for the term of two years;

To amend section 3500 of the Code of Alabama;

For the relief of Catherine J. Reid;

To amend section 2175 of the Code of Alabama;

To regulate the pay of jurors in Coffee county; also Senate bills:

To reduce costs in the settlement of insolvent estates;

To provide for recording deeds;

To amend the laws of attachment against steamboats.

The bills mentioned in the message were severally read the first time and ordered to a second reading.

The bill from the House, in regard to extending the time for the payment of taxes into the State treasury, was read the first and second time.

Mr. Rowe moved to amend as follows:

*Be it further enacted*, That the tax collectors of the several counties in this State be, and they are hereby authorised to receive the bills of all the chartered banks of this State in the payment of taxes due the State to the 1st of May, 1858.

Mr. Agee moved to lay the amendment on the table; which was carried.

Yeas 16, nays 13.

Yeas—Messrs. President, Abernathy, Agee, Bynum, Crawford, Deas, Felder, Fleming, Griffin, Hill, Jones of Greene, Jones of Fayette, Lindsay, McSpadden, Rather and Thompson—16.

Nays—Messrs. Austin, Bullock, Carter, Clitherall, Cocke, Horn, McKinne, Mitchell, Patton, Rayburn, Rowe, Storrs and Thaxton—13.

Mr. Bullock moved to amend as follows:

And that said tax collectors be also authorised to receive the bills of chartered solvent and specie paying banks of Georgia and South Carolina.

The amendment was laid on the table.

Yeas 20, nays 9.

Yeas—Messrs. President, Abernathy, Agee, Austin, Bynum, Clitherall, Cocke, Crawford, Deas, Felder, Fleming, Griffin, Hill, Jones of Greene, Jones of Fayette, Lindsay, McSpadden, Patton, Rather and Storrs—20.

Nays—Messrs. Bullock, Carter, Horn, McKinne, Mitchell, Rayburn, Rowe, Thaxton and Thompson—9.

On motion of Mr. Lindsay,

The bill was referred to the committee on the Judiciary.

The hour of 11 having arrived, the Senate took up the special order, it being the bill in regard to annual sessions.

Mr. Clitherall moved to postpone the special order until Monday at 11 o'clock, and make it the special order for that hour; which was carried.

Yeas 17, nays 13.

Yeas—Messrs. President, Agee, Bullock, Carter, Clitherall, Cocke, Deas, Hill, Horn, Jemison, Jones of Greene, Lindsay, McKinne, Mitchell, Patton, Storrs and Thompson—17.

Nays—Messrs. Abernathy, Austin, Bynum, Crawford, Felder, Fleming, Griffin, Jones of Fayette, McSpadden, Rather, Rayburn, Rowe and Thaxton—13.

Mr. Bullock, from the committee on the Judiciary, reported favorably on the bill for the relief of mechanics.

Mr. Lindsay moved to amend as follows:

*Be it further enacted*, That the tools and instruments of the value of one hundred dollars of unmarried mechanics, used in and about their business, be, and they are hereby exempt from levy and sale.

Mr. Clitherall moved to lay the amendment on the table; which was carried.

Yeas 14, nays 13.

Yeas—Messrs. Abernathy, Agee, Austin, Clitherall, Cocke, Fleming, Hill, Jones of Greene, Jones of Fayette, McSpadden, Patton, Rather, Thaxton and Thompson—14.

Nays—Messrs. President, Bullock, Bynum, Carter, Deas, Felder, Griffin, Lindsay, McKinne, Mitchell, Rayburn, Rowe and Storrs—13.

Mr. Patton moved to amend as follows:

*“Provided*, This act shall not apply to debts due for rents.”

Mr. Lindsay moved to lay the amendment on the table; which was carried.

Yeas 17, nays 11.

Yeas—Messrs. President, Abernathy, Austin, Bullock, Bynum, Carter, Crawford, Deas, Fleming, Griffin, Jones of Greene, Jones of Fayette, Lindsay, McSpadden, Rowe, Thaxton and Thompson—17.

Nays—Messrs. Agee, Clitherall, Cocke, Felder, Hill, Jemison, Mitchell, Patton, Rather, Rayburn and Storrs—11.

Mr. Clitherall moved to amend as follows:

SEC. 3. That property of an equal amount, whether in books, horses, provisions, or merchandize, be likewise exempt in favor of the family of any married farmer, lawyer, merchant, doctor, or other professional or working man, being the head of a family, in this State.

Mr. Bullock moved the previous question; which was carried.

Yeas 19, nays 8.

Yeas—Messrs. President, Abernathy, Agee, Austin, Bullock, Bynum, Cocke, Crawford, Deas, Fleming, Jones of Greene, Jones of Fayette, Lindsay, McKinne, McSpadden, Patton, Rayburn and Thaxton—19.

Nays—Messrs. Clitherall, Felder, Griffin, Hill, Jemison, Mitchell, Storrs and Thompson—8.

The bill was ordered to be engrossed.

Yeas 22, nays 8.

Yeas—Messrs. President, Abernathy, Agee, Austin, Bullock, Bynum, Carter, Cocke, Crawford, Deas, Felder, Griffin, Horn,

Jones of Greene, Lindsay, McKinne, McSpadden, Patton, Rather, Rayburn, Rowe and Thaxton—22.

Nays—Messrs. Clitherall, Fleming, Hill, Jemison, Jones of Fayette, Mitchell, Storrs and Thompson—8.

Mr. Agee, from the committee on State Printing, reported that the reports of the comptroller and treasurer would be ready for delivery on Monday next.

Mr. Bullock, from the committee on the Judiciary, reported favorably on the bill to amend section 1058 of the Code.

The bill was ordered to be engrossed.

Mr. Bullock reported adversely on the bill to increase the pay of grand and petit jurors in the county of Lawrence.

The report was concurred in.

Mr. Bullock reported favorably on the bill to amend section 2462 of the Code; and the bill was ordered to a third reading.

Mr. Bullock reported the account of Thomas H. Ferguson.

As there was no legal question connected with it, the account was referred to the committee on Propositions and Grievances.

Mr. Hill, from the committee on Propositions and Grievances, reported adversely on the bill for the preservation of game in the county of Clarke.

The report was concurred in.

Mr. Hill reported favorably on the bill for the relief of John E. McCrary.

The bill was referred to the committee on the Judiciary.

Mr. Rowe, from the committee on Accounts and Claims, reported that said committee had examined the account of David Powell, and was of opinion that the amount allowed by previous legislatures on said account was as much as the claimant was entitled to.

The report was concurred in, and the account withdrawn.

Mr. Hill reported adversely on the petition of Dr. Stelinrg Bass.

Mr. Bullock moved to lay the report on the table, and refer the petition to a select committee; which was lost.

The report was concurred in.

Yeas 20, nays 10.

Yeas—Messrs. President, Abernathy, Agee, Bynum, Cocke, Crawford, Deas, Hill, Horn, Jemison, Jones of Greene, Jones of Fayette, Lindsay, McSpadden, Patton, Rayburn, Rowe, Storrs and Thaxton—20.

Nays—Messrs. Bullock, Carter, Clitherall, Felder, Fleming, Griffin, McKinne, Mitchell, Rather and Thompson—10.

Mr. President laid before the Senate a commucation from John Whiting, in regard to the State debt; which was referred to the joint select committee.

Mr. Jemison, from the joint select committee, made the following report:

The joint committee of the two houses, appointed to confer and advise with John Whiting, commissioner and trustee to close the remaining affairs of the bank of the State of Alabama and its branches, have had frequent and free conferences with said commissioner and trustee, upon matters connected with the payment of the State bonds due in London on the first of January next, and the means of providing therefore, are gratified at the present prospect of meeting the States obligations with her usual and uniform promptness as will be seen from the report of the commissioner and trustee of this date; and your committee fully approving the recommendations contained in his said report, have instructed their respective chairman to report the following bill and recommend its passage.

R. JEMISON,

Chairman of Senate Committee.

WM. G. JONES,

Chairman of House Committee.

The bill reported by Mr. Jemison to authorize the issuance of State bonds and for other purposes, was read the first and second time forthwith.

Mr. Clitherall moved to amend as follows :

“Or to hypothecate, sell, or exchange said Virginia and North Carolina bonds in payment or discharge of the bonds of Alabama falling due in January, 1858, or at any future time; which was adopted.

Mr. Jemison moved to suspend the rule and give the bill its third reading forthwith; which was lost.

Yeas 20, nays 10.

Yeas—Messrs. President, Abernathy, Austin, Bullock, Carter, Clitherall, Cocke, Crawford, Deas, Fleming, Hill, Horn, Jemison, Jones of Greene, McSpadden, Rather, Patton, Rowe, Storrs and Thompson—20.

Nays—Messrs. Agee, Bynum, Felder, Griffin, Jones of Fayette, Lindsay, McKinne, Mitchell, Rayburn and Thaxton—10.

The bill was ordered to be engrossed for a third reading.

Yeas 17, nays 13.

Yeas—Messrs. President, Austin, Bullock, Clitherall, Cocke, Crawford, Deas, Hill, Horn, Jemison, Jones of Greene, McSpadden, Patton, Rather, Rowe, Storrs and Thompson—17.

Nays—Messrs. Abernathy, Agee, Bynum, Carter, Felder, Fleming, Griffin, Jones of Fayette, Lindsay, McKinne, Mitchell, Rayburn, and Thaxton—13.

The Senate adjourned until to-morrow morning, at 10 o'clock.

DECEMBER 7, 1857.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Mitchell.

Mr. Horn presented the petition of Narcissus Daniel; which was referred to the committee on Propositions and Grievances.

Mr. Bullock introduced a bill for the relief of Hart McCall, late tax collector of Barbour county and his sureties.

Mr. Bullock introduced a bill to incorporate the Eufaula Rifles.

Mr. Thompson introduced a bill to amend an act incorporating the Girard and Mobile Railroad company.

Mr. Griffin introduced a bill for the benefit of patrons of township schools, in Russell county.

Mr. Felder introduced a bill to change the time of holding the circuit court of Montgomery county.

Mr. Felder introduced a bill to amend an act to render more effectual the system of free public schools in the State of Alabama.

Mr. Crawford introduced a bill to incorporate the Rockford Mining company.

Mr. Storrs introduced a bill to amend the laws regulating the settlement of the estates of deceased persons.

Mr. Bynum introduced a bill to amend section 3249 of the Code of Alabama.

Mr. McSpadden introduced a bill for the relief of the Alabama and East Tennessee Railroad company.

Mr. Rather introduced a bill requiring witnesses to appear and testify before grand jurors in certain cases therein designated; which were severally read the first time and ordered to a second reading.

Mr. Felder presented the petition of A. Waterson; which was read and referred to the committee on Accounts and Claims.

Mr. Felder presented the memorial of Wm. P. Ashley, and accompanying documents; which were read and referred to the same committee.

Mr. Rowe offered the following resolution; which was adopted:

*Resolved*, That the committee on Finance and Taxation, be, and they are hereby instructed to enquire into the expediency of revising the revenue law of this State, and adopting the rate of taxation on real and personal property to the *ad valorem* principle, with the privilege of discrimination in the taxation of the property of corporations.

Mr. Patton, from the committee on Banks and Banking, reported the bill to incorporate the Bank of Alabama with said amendments, as to section "8" and rule "5," and as amended,

recommended the passage of the bill; which were read and one hundred and fifty copies ordered to be printed, and the further consideration of the bill postponed until Thursday next, and made the special order for the hour of 11 o'clock.

Mr. Jones, of Greene, moved to take from the table the joint resolutions for the protection of the treasury of the State, together with the report of the commissioners' on that subject; which was carried.

Yeas 17, nays 13.

Yeas—Messrs. President, Abernathy, Agee, Bynum, Carter, Clitherall, Fleming, Heflin, Hill, Horn, Jones of Greene, Jones of Fayette, Lindsay, McSpadden, Rather and Thaxton—17.

Nays—Messrs. Austin, Bullock, Cocke, Crawford, Deas, Felder, Griffin, Jemison, McKinne, Mitchell, Patton, Rowe and Storrs—13.

The hour of 11 having arrived, Mr. Jones, of Greene, moved to postpone the special order to proceed with the subject under consideration; which was carried.

Mr. Jemison moved to postpone the subject under consideration in order to take up the bill reported by the joint select committee on Saturday last; which was lost.

Yeas 14, nays 16.

Yeas—Messrs. President, Austin, Bullock, Clitherall, Cocke, Crawford, Deas, Hill, Felder, Jemison, Mitchell, Patton, Rowe and Storrs—14.

Nays—Messrs. Abernathy, Agee, Bynum, Carter, Fleming, Griffin, Heflin, Horn, Jones of Greene, Jones of Fayette, Lindsay, McKinne, McSpadden, Rather, Rayburn and Thaxton—16.

Mr. President (Mr. Clitherall in the chair) moved to lay the report of the committee on the table.

Mr. Jemison moved to amend by including also the joint resolutions.

A division of the question being called, it was first taken on laying the report on the table, and carried.

The Senate refused to lay the resolutions on the table.

Mr. McSpadden moved to amend as follows:

Strike out all after "protested," where it occurs in the 25th line, and insert in lieu thereof: "And the said treasurer and commissioner shall in like manner, whenever the sum of ten thousand dollars shall come into their hands on said banks belonging to the State, proceed to present for payment said bills until they shall resume specie payment, within five days after the same shall be received by them respectively, and if the same are not redeemed when presented, they shall proceed in all respects as above provided; which was adopted.

Mr. Jemison moved to amend as follows:

*And be it further resolved*, That it shall be the duty of the Governor to take the most summary and efficient means to place the Central Bank of Alabama, and the Commercial Bank at Selma, in a state of liquidation, and that the charters of said banks are hereby declared to be forfeited.

Mr. President (Mr. Clitherall in the chair) moved to lay the amendment on the table; which was carried.

Yeas 23, nays 6.

Yeas—Messrs. President, Abernathy, Agee, Austin, Bynum, Carter, Clitherall, Crawford, Deas, Felder, Fleming, Hefflin, Hill, Horn, Jones of Greene, Jones of Fayette, McKinne, Mitchell, Patton, Rather, Rayburn, Storrs and Thaxton—23.

Nays—Messrs. Bullock, Cocke, Jemison, Lindsay, Rowe and Thompson—6.

The joint resolutions were ordered to be engrossed.

Yeas 19, nays 12.

Yeas—Messrs. President, Abernathy, Agee, Bynum, Carter, Clitherall, Crawford, Fleming, Griffin, Hefflin, Horn, Jones of Greene, Jones of Fayette, Lindsay, McSpadden, Rather, Rayburn, Thaxton and Thompson—19.

Nays—Messrs. Austin, Bullock, Cocke, Deas, Felder, Hill, Jemison, McKinne, Mitchell, Patton, Rowe and Storrs—12.

Mr. Patton, from the committee on Banks and Banking, reported a substitute for the bill to sanction the suspension of specie payments by the Central and Commercial Banks.

The bill and substitute were laid on the table, and one hundred and fifty copies of the substitute ordered to be printed.

The Senate then adjourned until to-morrow morning, 10 o'clock.

DECEMBER 8, 1857.

The Senate met pursuant to adjournment.

Mr. Fleming moved to take from the table the resolutions proposing to change the constitution in reference to the election of comptroller and treasurer; which was carried.

Mr. Clitherall moved also to take up the report of the committee on the proposed amendments to the constitution; which was carried.

The report of the committee adverse to extending the jurisdiction of justices of the peace, was concurred in.

Mr. Rowe moved to lay on the table the report of the committee in regard to county boundaries.

Mr. Clitherall moved also to include the joint resolutions on that subject.



A division of the question was called, and it was first taken on laying the report on the table, and carried.

Yeas 17, nays 13.

Yeas—Messrs. President, Abernathy, Bullock, Carter, Crawford, Deas, Fleming, Griffin, Heflin, Hill, Lindsay, McKinne, McSpadden, Mitchell, Rowe, Thaxton and Thompson—17.

Nays—Messrs. Agee, Austin, Bynum, Clitherall, Cocke, Horn, Jemison, Jones of Greene, Jones of Fayette, Patton, Rather, Rayburn and Storrs—13.

The question was next taken on laying the resolution on the table, and lost.

Yeas 13, nays 16.

Yeas—Messrs. President, Agee, Bynum, Clitherall, Cocke, Deas, Horn, Jemison, Jones of Greene, Jones of Fayette, Rather, Rayburn and Storrs—13.

Nays—Messrs. Abernathy, Austin, Bullock, Carter, Crawford, Fleming, Heflin, Hill, Lindsay, McKinne, McSpadden, Mitchell, Patton, Rayburn, Rowe, Thaxton and Thompson—16.

The Senate refused to order the resolution to be engrossed.

Yeas 15, nays 15.

Yeas—Messrs. Abernathy, Austin, Bullock, Carter, Crawford, Fleming, Griffin, Heflin, Hill, McKinne, McSpadden, Mitchell, Rowe, Thaxton and Thompson—15.

Nays—Messrs. President, Agee, Bynum, Clitherall, Cocke, Deas, Horn, Jemison, Jones of Greene, Jones of Fayette, Lindsay, Patton, Rather, Rayburn and Storrs—15.

The Senate proceeded to consider the joint resolution in regard to the election of treasurer and comptroller.

Mr. Clitherall moved to amend by way of substitute; which was adopted and ordered to be engrossed.

Message from the House, by Mr. Hames, informing the Senate of the concurrence of the House of Representatives in the amendment of the Senate to the resolution of the House, proposing to bring on certain elections this day.

Mr. Patton from the joint select committee, appointed to examine the offices of comptroller and state treasurer, made the following

#### REPORT:

The joint committee of the two Houses of the General Assembly, appointed by the presiding officer of each House, as provided in section 34 of the Code, to examine the offices of comptroller and treasurer report,

That they commenced the examinations on the 13th, and closed on the 30th November, 1857. That they examined carefully all

the books in the treasurer's office, from the 30th September, 1855, to 30th November, 1857, a period of two years and two months, and find them all to be correct. That they find the amount of receipts and disbursements, during the same time have been as follows:

|   |                |
|---|----------------|
| Receipts during the fiscal year, ending 30th September, 1856.....     | \$798,003 46   |
| Add balance on hand, 30th September, 1855...                          | 1,193,732 43   |
|   | <hr/>          |
|   | \$1,991,735 89 |
| Disbursements during same period.....                                 | 487,946 99     |
|   | <hr/>          |
|   | \$1,503,788 90 |
| Receipts during the fiscal year, ending 30th September, 1857.....     | 921,842 23     |
|   | <hr/>          |
|   | \$2,425,631 13 |
| Disbursements during the same period.....                             | 790,359 33     |
|   | <hr/>          |
| Balance in the treasury 30th September, 1857,                         | \$1,635,271 80 |
| Receipts from 30th September, to 30th November, 1857.....             | 37,857 97      |
|   | <hr/>          |
| Making together the sum of.....                                       | \$1,673,129 77 |
| Disbursements during the same period.....                             | 25,051 02      |
|   | <hr/>          |
| Showing a balance to be accounted for on 30th November, 1857, of..... | \$1,648,078 75 |

To meet this balance, your committee counted with care all the moneys in the treasury on that day, and found that the same amounted to the said sum of..... \$1,648,073 75

Consisting of the following description of funds, to-wit:

|   |                |
|---|----------------|
| In notes of the State Banks and Branches.....   | \$1,134,054 00 |
| “ “ “ Central Bank of Alabama.....  | 382,740 00     |
| “ “ “ Northern Bank of Alabama....  | 21,726 00      |
| “ “ “ Bank of Montgomery.....   | 8,597 00       |
| In notes and certificates of the Bank of Mobile, and notes of the Southern Bank of Ala..... | 65,642 17      |
| In Gold.....  | 32,842 32      |
| In Silver.....  | 2,477 26       |
|   | <hr/>          |
|   | \$1,648,078 75 |

Your committee next proceeded to the comptroller's office, and there examined all the books and vouchers of that department for the same period of time embraced in their examination of the treasurer's office, as aforesaid, by comparing the vouchers with the entries thereof in the books, carefully casting up the footings and testing the extension, all of which were found correct; and that all the warrants drawn during the same time were issued in pursuance of law. Your committee find that the amount of receipts and disbursements during the time embraced in the examination, as shown by the comptroller's books, were as follows:

|   |                |
|---|----------------|
| Receipts during the fiscal year, ending 30th September, 1856..... | \$798,003 46   |
| Add balance on hand 30th September, 1855....                      | 1,192,652 96   |
|   | <hr/>          |
|   | \$1,990,656 42 |
| Disbursements during the same period.....                         | 486,867 52     |
|   | <hr/>          |
| Balance on hand 30th September, 1856.....                         | \$1,503,788 90 |
| Receipts during fiscal year, ending 30th September, 1857.....     | 921,842 23     |
|   | <hr/>          |
|   | \$2,425,631 13 |
| Disbursements during the same time.....                           | 790,416 33     |
|   | <hr/>          |
| Showing a balance on 30th September, 1857..                       | \$1,635,214 80 |
| Receipts from 30th September to 30th November, 1857.....          | 37,857 97      |
|   | <hr/>          |
| Making together the sum of.....                                   | 1,673,072 77   |
| Disbursements during the same time.....                           | 25,350 72      |
|   | <hr/>          |
| Balance to be accounted for Nov. 30th, 1857...                    | \$1,647,722 05 |

The apparent discrepancy of \$356 70 in the balances and disbursements, as shown in the comptroller's and treasurer's office, your committee find to be in consequence of the fact that warrants were then outstanding for the same amount, which, when presented and paid, will produce a perfect agreement between them.

Your committee would also report that the comptroller exhibited sundry packages, purporting to contain mutilated notes of the Bank of Montgomery, amounting to the sum of fifty-nine thousand three hundred and forty dollars, which notes had been cancelled, and in place thereof the same amount had been countersigned by the comptroller and delivered to said bank, as authorized by section 1419 of the Code.

Your committee fully concur with the comptroller in the recommendations in his biennial report, that provisions be made by law for the destruction of said mutilated notes.

In conclusion, your committee take pleasure in stating that whilst engaged in the tedious discharge of their duties the past month, the officers of the two departments were prompt in affording every aid to facilitate their labors, and the committee have no hesitation in saying that the confidence heretofore reposed in them has been fully justified by an unusual neatness of the records, and an able and faithful discharge of public duty.

R. M. PATTON, Ch'n Senate Com.

J. H. CALDWELL, Ch'n House Com.

The report was laid on the table, and 3300 copies ordered to be printed for the use of the Senate.

On motion of Mr. McKinne,

*Resolved*, That the committee on Federal Relations be requested to take into consideration the passage of a law for the annexation of all that portion of Florida lying west of the Chattahoochee and Appalachian rivers, to the State of Alabama, and that they be instructed to report by bill or otherwise.

2. *Resolved*, That said committee enquire into the expediency of employing a commissioner to confer with the people of the said portion of Florida, as to the propriety of annexation.

Mr. Bullock introduced a bill to incorporate the Fort Browder Male Academy in Barbour county.

Mr. Carter introduced a bill to repeal section 2257 of the Code.

Mr. Cocke introduced a bill to authorize the commissioners' court of the county of Bibb, to establish additional places of voting in said county; which were severally read the first time and ordered to a second reading.

Mr. Rowe offered the following resolution:

*Resolved*, That after the 9th instant, the Senate will meet at 9 1-2 o'clock A. M., adjourn at 1 1-2, P. M.; meet at 3, P. M., and adjourn at 5, P. M.; which lies over one day.

Message from the House, by Mr. Hames, inviting the Senate into the Hall of the House of Representatives, to hold the elections appointed for this day; and the hour of 12 o'clock having arrived, the Senate repaired to the Hall of the House, and the two Houses in convention proceeded to the election of a secretary of state; the name of James H. Weaver being put in nomination:

Those who voted for Mr. Weaver, are:

Messrs. President, Abernathy, Agee, Austin, Bullock, Bynum,

Carter, Clitherall, Cocke, Crawford, Fleming, Griffin, Heflin, Hill, Horn, Jemison, Jones of Greene, Jones of Fayette, Lindsay, McSpadden, Mitchell, Patton, Rather, Rayburn, Rowe, Storrs, Thaxton and Thompson, of the Senate—30; and Messrs. Speaker, Aldridge, Allen, Baskins, Baugh, Bell of Talladega, Bell of Franklin, Bennett, Boatright, Brewer, Brock, Browder, Brown of Marion, Brown of Tuskaloosa, Bulger, Caffee, Caldwell, Cary, Chamberlain, Clayton, Cloud, Coleman, Cullum, Denman, Dillard, Drummond, Echols, Edwards, Espy, Eustace, Flournoy, Goode, Griffin, Hall, Hammond, Harris, Herndon, Hobbs, Holly, Houston, Huckabee, Irby, Jackson of Franklin, Jeter, Johnston of Perry, Johnson of Tallapoosa, Jones, Kennedy, Lessueur, Little, Mabry, Majors, Martin of Dale, Martin of Talladega, McCall, McGhee, McRae, Molton, Morgan, Murphree, Murphy, Nabors, Neal, Nelson, Parker, Pennington, Powell, Pynes, Redus, Register, Reid, Remson, Richardson of Monroe, Scarborough, Scott, Sheffield, Simpson, Slade, Smith of Coosa, Smith of Jefferson, Smith of Lauderdale, Smith of Randolph, Staton, Talley, Tate, Thompson, Walden, Weaver, Williamson, Wood and Wright, of the House—95.

Mr. Weaver having received a majority of all the votes given, Mr. Speaker declared him to be duly and constitutionally elected secretary of State, for the term prescribed by the constitution.

The convention then proceeded to the election of a comptroller of public accounts; the name of Wm. Greene being put in nomination;

Those who voted for Mr. Greene, are:

Messrs. President, Abernathy, Agee, Austin, Bullock, Bynum, Carter, Clitherall, Cocke, Crawford, Fleming, Griffin, Heflin, Hill, Horn, Jemison, Jones of Greene, Jones of Fayette, Lindsay, McKinne, McSpadden, Mitchell, Patton, Rather, Rayburn, Rowe, Storrs, Thaxton and Thompson, of the Senate—31; of the House: Messrs. Speaker, Aldridge, Baskins, Baugh, Bell of Franklin, Bell of Talladega, Bennett, Boatright, Brewer, Brock, Browder, Brown of Marion, Brown of Tuskaloosa, Bulger, Caffee, Caldwell, Cary, Chamberlain, Clarke, Clayton, Cloud, Colbert, Coleman, Cullum, Denman, Drummond, Echols, Edwards, Espy, Eustace, Flournoy, Goode, Griffin, Hall, Hammond, Harris, Herndon, Hobbs, Holly, Houston, Huckabee, Irby, Jackson of Franklin, Jeter, Johnston of Perry, Johnson of Tallapoosa, Jones, Kennedy, Lessueur, Little, Mabry, Majors, Mardis, Martin of Dale, Martin of Talladega, McCall, McGhee, McRae, Molton, Murphree, Murphy, Nabors, Neal, Nelson, Parker, Pennington, Powell, Pynes, Redus, Register, Reid, Remson, Richardson of Cherokee, Richardson of Monroe, Scarborough, Scott, Sheffield,

Simpson, Slade, Smith of Jefferson, Smith of Lauderdale, Smith of Randolph, Staton, Tate, Thompson, Walden, Warren, Williams, Wood and Wright—90.

Mr. Morgan voted for Mr. Joel Riggs.

Mr. Greene having received a majority of all the votes given, was declared by Mr. Speaker to be duly and constitutionally elected comptroller for the term prescribed by the constitution.

The convention then proceeded to the election of a superintendent of public schools; the name of Wm. F. Perry being put in nomination.

Those who voted for Mr. Perry, are:

Messrs. President, Abernathy, Agee, Austin, Bullock, Bynum, Carter, Clitherall, Cocke, Crawford, Deas, Fleming, Heflin, Hill, Horn, Jones of Greene, Jones of Fayette, McKinne, McSpadden, Mitchell, Patton, Rather, Rayburn, Rowe, Storrs, Thaxton and Thompson, of the Senate—28; of the House, Messrs. Speaker, Allen, Baskins, Baugh, Bell of Franklin, Bell of Talladega, Bennett, Boatright, Brewer, Brock, Browder, Brown of Marion, Brown of Tuskaloosa, Bulger, Calfee, Caldwell, Cary, Chamberlain, Clayton, Cloud, Cullum, Denman, Dillard, Drummond, Echols, Edwards, Espy, Eustace, Flournoy, Goode, Griffin, Hall, Hammond, Harris, Herndon, Hobbs, Holly, Houston, Huckabee, Irby, Jackson of Franklin, Jeter, Johnston of Perry, Johnson of Tallapoosa, Jones, Kennedy, Lessueur, Little, Mabry, Martin of Dale, Martin of Talladega, McCall, McGhee, McRae, Molton, Morgan, Murphree, Murphy, Nabors, Neal, Nelson, Parker, Pennington, Powell, Pynes, Redus, Reid, Remson, Richardson of Cherokee, Richardson of Monroe, Scarborough, Scott, Sheffield, Simpson, Slade, Smith of Jefferson, Smith of Lauderdale, Smith of Randolph, Staton, Tally, Tate, Thompson, Walden, Warren, Williamson, Wood and Wright—88.

Mr. Perry having received all the votes given, he was declared by Mr. Speaker duly and constitutionally elected superintendent for the term prescribed by the constitution.

The convention then proceeded to the election of a treasurer; the name of Wm. Graham being put in nomination.

Those who voted for Mr. Graham, are:

Messrs. President, Abernathy, Agee, Austin, Bullock, Bynum, Cocke, Crawford, Deas, Fleming, Griffin, Heflin, Hill, Horn, Jemison, Jones of Greene, Jones of Fayette, McKinne, McSpadden, Mitchell, Patton, Rather, Rayburn, Rowe, Storrs, Thaxton and Thompson, of the Senate—28; of the House, Messrs. Speaker, Aldridge, Allen, Baskins, Baugh, Bell of Franklin, Bell of Talladega, Bennett, Boatright, Brewer, Brock, Browder, Brown of Marion, Brown of Tuskaloosa, Bulger, Calfee, Caldwell, Cary,

Clayton, Cloud, Colbert, Coleman, Cullum, Denman, Dillard, Drummond, Echols, Edwards, Espy, Eustace, Flournoy, Goode, Griffin, Hall, Hammonds, Harris, Herndon, Hobbs, Holly, Huckabee, Jackson of Franklin, Jeter, Johnston of Perry, Johnson of Talladega, Jones, Kennedy, Lessueur, Little, Mabry, Majors, Martin of Dale, Martin of Talladega, McCall, McGhee, McRae, Molton, Morgan, Murphy, Nabers, Neal, Nelson, Parker, Pennington, Powell, Pynes, Redus, Register, Reid, Remson, Richardson of Cherokee, Richardson of Monroe, Scarborough, Scott, Sheffield, Simpson, Slade, Smith of Jefferson, Smith of Lauderdale, Smith of Randolph, Staton, Stiff, Talley, Tate, Thompson, Walden, Warren, Williamson, Wood and Wright—89.

Messrs. Clitherall and Clarke voted for Duncan Graham.

Mr. Graham having received a majority of all the votes given, was, by Mr. Speaker, declared duly and constitutionally elected treasurer for the term prescribed by the constitution.

Thereupon the Senate withdrew and returned to its own chamber, and resumed business.

Mr. Mitchell introduced a bill to legalize the endorsement of the Alabama and Florida Railroad company by the Montgomery and West Point Railroad; which was read, the constitutional rule suspended, read the second time, and referred to the committee on Internal Improvements and Inland Navigation.

Mr. Mitchell introduced a bill to repeal the 8th section of the 2d article of an act to render more effectual the system of free public schools in the State of Alabama, approved February 14, 1856, and for other purposes therein specified, which was read and ordered to a second reading.

Mr. Storrs presented the petition of Richard Hudson, of Jefferson county, which was referred to the committee on Propositions and Grievances.

Mr. Jemison introduced a bill to enforce a compliance of the contract by the late public printers; which was read, the constitutional rule suspended, read a second time, the rule suspended, read a third time and passed.

The Senate ordered its transmission forthwith to the House of Representatives.

Mr. Lindsay introduced a bill more effectually to prevent banks of other States from carrying on the business of banking in this State; which was read and ordered to a second reading.

Mr. Bynum presented the petition of Wm. H. and Samuel F. Wenter; which was referred to the committee on Finance and Taxation.

Mr. Storrs introduced a bill for the relief of the missionary of the Cumberland Presbyterian Church at Elyton; which was

read, the rule suspended, read a second time, and referred to the committee on Finance and Taxation.

Mr. President laid before the Senate a communication from John Whiting, commissioner and trustee, on the subject of the North Carolina and Virginia bonds; which was read and laid on the table.

Mr. Austin introduced a bill for the benefit of John M. P. Lyon, of Jackson county; which was read, and ordered to a second reading.

Mr. Fleming introduced a bill for the relief of Eliza J. Hornbuckle, administratrix, and George Russel, administrator; which was read the first time, and ordered to a second reading.

Mr. Patton offered the following resolution:

*Be it resolved*, That John Whiting, commissioner and trustee &c., be and he is hereby required to proceed at the earliest practicable moment, to the city of New York, there to make arrangements for the payment of the State bonds of Alabama, maturing on the first of January next, and for this purpose he is hereby invested with full power to use all the assets in the treasury or in his hands, as such commissioner and trustee; and on the order of said Whiting the comptroller must draw his warrant on the treasurer in favor of said Whiting, for the sum named in such order.

Mr. Clitherall moved that the Senate consider the subject with closed doors; motion lost.

Yeas 3, nays 26.

The resolution under a suspension of the rule was read a second time.

Mr. President (Mr. Rather in the chair) moved the following amendment:

"After the word hereby" insert "authorized to take such steps as he may deem best, to meet the engagements of the State of Alabama, and for that purpose, is hereby vested with authority to hypothecate the Virginia and North Carolina bonds, should he think proper so to do."

Mr. Clitherall moved to amend the amendment as follows:

"And must sell the same on the best practicable terms, if in his opinion the payment of the State bonds falling due in January, 1858, cannot otherwise be made"; which the Senate refused to adopt.

Yeas 5, nays 25.

The question then recurred on Mr. Calhoun's amendment; which was adopted;

And the resolution as amended, was, under a suspension of the rule, read a third time and passed.



The Senate thereupon ordered the transmission of the same to the House of Representatives.

Mr. Bullock, from the Judiciary, reported the following amendments to the House bill, in regard to extending the time for the payment of taxes into the State treasury, and as amended recommended its passage:

First, "Strike out all the fourth section;"

Second, "Strike out all the sixth section, after the word immediately."

The said amendments were adopted, the bill read a third time and passed.

Yeas 28, nays 2.

Mr. Jemison, from the committee on Finance and Taxation, reported a substitute for the relief of Joshua Lyon, tax collector of Sumter county, and recommended its passage.

The substitute was adopted, read a third time and passed.

Mr. McSpadden, from the committee on Enrolled Bills, reported as correctly enrolled, the bill to reduce the costs in the settlement of insolvent estates, and to provide for recording deeds;

Also the bill to amend the laws of attachment against steam-boats.

Mr. Bynum moved that the Senate adjourn until to-morrow morning, 10 o'clock.

Lost.

Yeas 10, nays 20.

Yeas—Messrs. Bullock, Bynum, Clitherall, Cocke, Griffin, Heflin, Horn, Jones of Greene, Storrs and Thompson—10.

Nays—Messrs. President, Abernathy, Agee, Austin, Crawford, Carter, Deas, Fleming, Hill, Jemison, Jones of Fayette, Lindsay, McKinne, McSpadden, Mitchell, Patton, Rather, Rayburn, Rowe and Thaxton—20.

After some discussion and motion to adjourn,

The Senate then adjourned until to-morrow morning, 9 o'clock.

DECEMBER 9, 1857.

The Senate met pursuant to adjournment.

Mr. Bullock introduced a bill to amend section, 2471 and 2472 of the Code; also,

A bill to provide more conveniently for proving accounts in certain cases.

Mr. Thompson introduced a bill to accept a grant of land to the State of Alabama, by an act of Congress, granting alternate sections of public lands to aid in the construction of railroads, approved June 3, 1856.

Mr. Cocke introduced a bill to invest and dispose of the two per cent fund.

Mr. Storrs introduced a bill to incorporate the Shelby County Iron Manufacturing company.

Mr. E. P. Jones introduced a bill to amend section, 1023 and 3047 of the Code.

Mr. Bynum introduced a bill to increase the power of the probate court of Lawrence county; also,

A bill for the relief of Lewis B. Curtan.

Mr. Rather introduced a bill for the relief of James H. Gill, of Morgan county; which were severally read the first time and ordered to a second reading.

Mr. Patton introduced a bill to regulate the chancery courts for the counties of Franklin and Lauderdale; which was read the first and second times forthwith, and referred to the committee on the Judiciary.

Mr. Cocke presented the petition of A. B. Davis, tax assessor of Perry county.

Referred to the committee on Finance and Taxation.

Mr. Bullock, from the committee on the Judiciary, reported a substitute for the bill to amend section 2313 of the Code; which was adopted.

Mr. Clitherall moved to amend by adding,

"*Provided* this act shall not take effect until the first of February;" which was adopted and the bill ordered to be engrossed.

The resolution from the House proposing to appoint a special committee to consider the expediency of reorganizing the judicial circuits of the State, was concurred in, and Messrs. Crawford, Bullock, Burnett, Storrs, Rather, McSpadden, Agee, Jones of Fayette, and Rowe, were appointed said committee.

Mr. Rather from the committee on Internal Improvements, reported the bill to incorporate the Union Town and Point Jackson Railroad, with an amendment and recommended its passage.

The amendment of the committee was adopted.

Mr. A. C. Jones moved an amendment; which was adopted and the bill ordered to be engrossed.

Mr. Storrs reported favorably on the bill to incorporate the Rock Island and Coosa Mining company, and the bill was ordered to be engrossed.

Mr. Bullock reported the bill to prove offsets in certain cases, and asked to be discharged from its further consideration, as the object of the bill was met by the bill to amend section 2313 of the Code.

The committee was discharged, and bill laid on the table.

Mr. Mitchell, from the committee on Roads, Bridges and Fer-

ries, reported favorably on the bill to authorize A. M. Lewis, of Marengo, to erect gates across a certain public road; and the bill was ordered to be engrossed.

Mr. Hill reported favorably on the bill for the relief of Benj. B. Avary, of Chambers county.

Mr. Rowe moved to lay the bill on the table; which was lost.  
Yeas 14, nays 14.

Yeas—Messrs. President, Abernathy, Agee, Carter, Clitherall, Fleming, Jemison, Jones of Greene, Jones of Fayette, Lindsay, McSpadden, Rayburn, Rowe and Thompson.

Nays—Messrs. Austin, Bullock, Bynum, Cocke, Crawford, Deas, Griffin, Heflin, Hill, Mitchell, Patton, Rather, Storrs and Thaxton.

The Senate refused to order the bill to be engrossed.

Yeas 15, nays 15.

Yeas—Messrs. Austin, Bullock, Burnett, Bynum, Crawford, Deas, Griffin, Heflin, Hill, Horn, Patton, Mitchell, Rather, Storrs and Thaxton.

Nays—Messrs. President, Abernathy, Agee, Carter, Clitherall, Cocke, Fleming, Jemison, Jones of Greene, Jones of Fayette, Lindsay, McSpadden, Rayburn, Rowe and Thompson.

Mr. Patton reported that it was inexpedient to pass the bill in relation to specie payments by the Commercial Bank at Selma, as the committee had recommended a general bill on that subject.

The bill and report were laid on the table.

Mr. Storrs, from the committee on Corporations, reported the bill to incorporate the Lubub Insurance company, of Pickens county, with amendments; which were adopted, and the bill ordered to be engrossed.

Mr. E. P. Jones, from the committee on the Judiciary, to whom was referred the bill to repeal an act, approved 5th February, 1856, reported the same with an amendment; which was adopted and the bill ordered to a third reading.

Mr. Jemison, from the committee on Finance and Taxation, reported a substitute for the bill to facilitate the business of legislation; which was adopted, and ordered to be engrossed.

Mr. Jemison reported adversely on the bill for the convenience of tax payers.

The report was concurred in.

Mr. Jemison reported adversely on the resolution in regard to the sale of slaves.

The report was concurred in.

Yeas 27, nays 2.

Yeas—Messrs. President, Abernathy, Agee, Austin, Bullock,

Burnett, Bynum, Carter, Clitherall, Cocke, Crawford, Deas, Griffin, Heflin, Hill, Jemison, Jones of Greene, Jones of Fayette, Lindsay, McKinne, McSpadden, Mitchell, Patton, Rather, Rayburn, Storrs and Thaxton.

Nays—Messrs. Fleming and Rowe.

Mr. Bullock reported the bill for the relief of Benjamin West, of Pickens, and recommended its reference to the committee on Propositions and Grievances.

It was so referred.

Mr. Fleming reported favorably on the joint resolutions to procure the passage of a bill in Congress, granting a pension to all surviving officers and soldiers in the war 1812 and '15.

The joint resolutions were ordered to a third reading.

Mr. Fleming reported favorably on the bill to amend an act to incorporate a company of artillery at Greensboro'.

The bill was ordered to be engrossed.

Mr. Bullock, from the committee on the Judiciary, reported a substitute for the bill to make the circuit court judges rotate throughout the State.

Mr. Clitherall, from the same committee, made a minority report on said bill.

Mr. Clitherall then moved to lay on the table, both reports from the committee, and take up the bill from the House on that subject; which was carried.

Yeas 21, nays 10.

Yeas—Messrs. President, Abernathy, Agee, Austin, Burnett, Carter, Clitherall, Cocke, Crawford, Deas, Griffin, Heflin, Hill, Horn, Jones of Fayette, McKinne, McSpadden, Mitchell, Patton, Rayburn and Thaxton.

Nays—Messrs. Bullock, Bynum, Fleming, Jemison, Jones of Greene, Lindsay, Rather, Rowe, Storrs and Thompson.

Mr. Lindsay moved to postpone the further consideration of the bill until the 15th February next; which was lost.

Yeas 7, nays 24.

Yeas—Messrs. Bullock, Bynum, Fleming, Jemison, Lindsay, Patton and Rather.

Nays—Messrs. President, Abernathy, Agee, Austin, Burnett, Carter, Clitherall, Crawford, Deas, Griffin, Heflin, Hill, Horn, Jones of Fayette, McKinne, McSpadden, Mitchell, Rayburn, Rowe, Storrs, Thaxton and Thompson.

Mr. Lindsay moved to postpone the subject until to-morrow, and proceeded to give reasons in favor of the motion.

Mr. President (Mr. Rather in the chair) decided that it was not in order to give reasons for the motion.

Mr. Clitherall appealed from the decision of the chair, and on the question,

"Shall the decision of the chair be sustained?" the vote stood—yeas 29, nays 1.

Yeas—Messrs. President, Abernathy, Agee, Austin, Bullock, Burnett, Bynum, Carter, Cocke, Crawford, Deas, Fleming, Griffin, Heflin, Hill, Jemison, Jones of Greene, Jones of Fayette, Lindsay, McKinne, McSpadden, Mitchell, Patton, Rather, Rayburn, Rowe, Storrs, Thaxton and Thompson.

Nays—Mr. Clitherall.

Mr. Bullock moved to amend as follows:

"And any circuit judge violating the provisions of this act shall forfeit one year's salary: *Provided*, that such judge so violating the provisions of this act, may relieve himself from the penalty herein imposed by filing with the comptroller his affidavit, that he was prevented without any fault or neglect on his part from so interchanging circuits."

Amendment adopted; and the bill as amended was ordered to a third reading.

Yeas 24, nays 8.

Yeas—Messrs. President, Abernathy, Agee, Burnett, Carter, Clitherall, Cocke, Crawford, Deas, Griffin, Heflin, Hill, Horn, Jones of Greene, Jones of Fayette, McKinne, McSpadden, Mitchell, Rayburn, Rowe, Thaxton and Thompson—24.

Nays—Messrs. Bullock, Bynum, Fleming, Jemison, Lindsay, Patton, Rather and Storrs—8.

Message from his excellency, the Governor, by Mr. Powell:

Mr. President: His excellency, the Governor, has approved the following bills as originated in the Senate:

An act to amend the law of attachments against steamboats;

An act to reduce the cost in the settlement of insolvent estates and to provide for recording deeds.

(Signed.)

A. POWELL,

Private Secretary.

Mr. Storrs offered the following resolution; which was adopted:

*Resolved*, That the committee on Military affairs be required to report to the Senate the situation of the arms ordinance and camp equipage of this State, showing the number and kind of muskets, rifles, swords, cavalry pistols and side arms, the number of pieces or ordinance, their calibers, and whether mounted or not, also the number of gun carriages; also to report what schools and academies had received arms from the State, and the condition of the same; also the amount of ammunition, whether cartridges or powder, and the number of cannon balls; and

furthermore, to take into consideration that portion of the late Governors message in relation to a State arsenal, with leave to report by bill or otherwise.

Message from the House :

Mr. President: The House of Representatives has passed the joint resolution of the Senate, more effectually to provide for the payment of the State bonds due in London in January next, after having amended the same as therein shown.

The Senate proceeded to the consideration of the same; and unanimously refused to concur in the House amendments.

The action of the Senate was, by order, forthwith transmitted to the House of Representatives.

Senate joint resolutions for the protection of the treasury of the State, was read the third time and laid on the table for the present.

The following engrossed Senate bills were severally read a third time and passed:

A bill for the benefit of the estate of James Stapp, deceased, late of Pickens county;

The bill to accept a grant of lands to the State of Alabama, and to carry into execution the trust conferred upon the State of Alabama by an act of Congress, entitled "an act granting public lands in alternate sections to the States of Florida and Alabama, to aid in the construction of certain railroads in said States, approved 17th May, 1856;

The bill to vest in the Tennessee and Alabama Central Railroad company certain lands granted by Congress in trust to the State of Alabama, to aid in the construction of the Tennessee and Alabama Central Railroad;

The bill to accept the grant and carry into execution the trust conferred upon the State of Alabama by an act of Congress, entitled an act granting public lands in alternate sections to the State of Alabama, to aid in the construction of certain railroads in said State, approved 3d June, 1856;

The following Senate bills were severally read the third time, and laid on the table for the present:

To authorize the issuance of State bonds, and other purposes; and,

To incorporate the Lafayette Insurance company.

The bill to amend section 1058 of the Code of Alabama, was read a third time and passed.

The bill to require the several tax assessors and collectors to prepare and furnish assessment lists to the tax payers, was read the third time and passed.

Yeas 17, nays 12.

Yeas—Messrs. President, Agee, Bullock, Bynum, Carter, Deas, Fleming, Griffin, Horn, Jemison, Jones of Greene, Lindsay, McKinne, Mitchell, Rather, Storrs and Thompson—17.

Nays—Messrs. Abernathy, Burnett, Clitherall, Cocke, Crawford, Heflin, Hill, Jones of Fayette, McSpadden, Rayburn, Rowe and Thaxton—12.

House bill :

To authorize certain persons therein named to be admitted to practice law on the conditions therein mentioned, was read the third time and laid on the table.

Senate bill :

To authorize James Whitehead to practice law in the several courts of this State, was taken up, the amendment of the House concurred in, and the bill laid on the table.

Mr. Cocke moved to reconsider the vote ordering to a third reading the bill to destroy the bills of the State bank and branches.

Mr. Deas moved to postpone the motion to reconsider and the consideration of the bill until to-morrow 11 o'clock, and that it be made the special order for that hour ; which prevailed.

Yeas 16, nays 15.

Yeas—Messrs. Abernathy, Agee, Austin, Bynum, Clitherall, Cocke, Deas, Fleming, Griffin, Hill, Horn, McSpadden, Patton, Rather, Rayburn and Storrs—16.

Nays—Messrs. President, Bullock, Burnett, Carter, Crawford, Heflin, Jones of Greene, Jones of Fayette, Lindsay, McKinne, Mitchell, Rowe, Thaxton and Thompson—14.

Message from the House, by Mr. Hames :

Mr. President : The House has rescinded its amendment to the joint resolution "to more effectually provide for the payment of the bonds due in London in January next."

Mr. Lindsay moved to adjourn until to-morrow morning, 10 o'clock ; which was lost.

Yeas 13, nays 18.

Yeas—Messrs. Austin, Bynum, Carter, Cocke, Deas, Griffin, Hill, Horn, Jones of Fayette, Lindsay, McKinne, Mitchell and Rather—13.

Nays—Messrs. President, Abernathy, Agee, Bullock, Burnett, Clitherall, Crawford, Fleming, Heflin, Jemison, Jones of Greene, McSpadden, Patton, Rayburn, Rowe, Storrs, Thaxton and Thompson—18.

The following bills were severally read a third time and passed :

To amend section 2462 of the Code ;

To amend the criminal law in relation to rape, incest and adultery ;

To prescribe the duties, rights, and liabilities of general administrators when they resign their office ;

For the relief of mechanics ;

To elect the county surveyor of Talladega and Madison counties by the voters of their said counties ;

To regulate appeals from probate courts ;

To repeal an act, approved 5th February, 1840, in relation to justices in Pike county ; and

Senate bill :

To authorize the Mobile Marine Railway and Insurance company to consolidate its capital stock.

The bill to incorporate the trustees of the Synod of Alabama ; was read the second time and referred to the committee on Corporations.

The bill to require annual publication of the condition of the treasury of Franklin county, was read and referred to the Judiciary ; and

The bill to regulate the fees of the judge of probate of Russell county, was read the second time, and upon motion of Mr. Griffin to amend, the bill and amendments were referred to the Judiciary committee.

Mr. McSpadden, from the committee on Enrolled Bills, reported as correctly enrolled, the joint resolutions for the payment of State bonds due in London in January next.

The Senate then adjourned until to-morrow morning, 10 o'clock.

DECEMBER 10, 1857.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Tichenor.

Mr. Carter gave notice that he would move to reconsider the vote taken yesterday on the bill for the relief of Benjamin B. Avery.

Mr. Agee presented the memorial of Neal Smith, with accompanying documents ; which were referred to the committee on Propositions and Grievances.

Mr. Horn presented a memorial and joint resolution ; which was read the first and second times and referred to the committee on Federal Relations.

Mr. Bullock introduced a bill in relation to the estates of minors.

Mr. President (Mr. Rather in the chair) introduced a bill to repeal certain acts therein named.

Mr. A. C. Jones introduced a bill to fix definitely the bound-



ary line between the counties of Greene, Tuscaloosa and Pickens; also,

A bill to change the term of office of apportioners in the counties of Greene and Marengo; which were severally read the first time and ordered to a second reading.

On motion of Mr. Jones, of Greene,

*Resolved*, That the committee on Finance and Taxation be instructed to enquire into the expediency of reducing the taxes of warehouse keepers, and report by bill or otherwise.

Mr. Jones, of Greene, offered the following resolution:

*Resolved*, With the concurrence of the House of Representatives, that the two houses will adjourn on Tuesday, 22d instant, to meet again on Monday 11th day of January next.

Mr. Agee moved to lay the resolution on the table; lost.

Mr. Clitherall moved to postpone indefinitely the resolution; which was lost.

Mr. McSpadden moved to amend as follows:

*“Provided*, That no senator or representative shall be entitled to mileage in going to and returning from home during said recess, or to per diem during the same.

Mr. Bynum moved the previous question; sustained.

Yeas 17, nays 13.

Yeas—Messrs. Abernathy, Austin, Bullock, Burnett, Bynum, Carter, Deas, Felder, Heflin, Horn, Jones of Greene, Jones of Fayette, Lindsay, Mitchell, Patton, Rather and Thaxton—17.

Nays—Messrs. President, Agee, Clitherall, Cocke, Crawford, Fleming, Griffin, Jemison, McKinne, McSpadden, Rayburn, Rowe and Storrs—13.

The Senate refused to adopt the resolution.

Yeas 14, nays 16.

Yeas—Messrs. Abernathy, Bullock, Burnett, Bynum, Deas, Felder, Heflin, Horn, Jemison, Jones of Greene, Lindsay, Patton, Rather and Thaxton—14.

Nays—Messrs. President, Agee, Austin, Carter, Clitherall, Cocke, Crawford, Fleming, Griffin, Jones of Fayette, McKinne, McSpadden, Mitchell, Rayburn, Rowe and Storrs—16.

The hour of 11 having arrived, the Senate proceeded to consider the special order, it being the bill to destroy the bills of the State Bank and Branches, the question on the motion of Mr. Cocke to reconsider the vote on ordering to a third reading.

Mr. Rather moved to postpone the further consideration of the subject until the 11th day of January next, at 11 o'clock, and make it the special order for that hour; which was lost.

Yeas 14, nays 17.

Yeas—Messrs. Abernathy, Austin, Clitherall, Cocke, Deas,

Fleming, Griffin, Jemison, McSpadden, Patton, Rather, Rayburn, Rather and Storrs—14.

Nays—Messrs. President, Agee, Bullock, Burnett, Carter, Crawford, Felder, Heflin, Horn, Jones of Greene, Jones of Fayette, Lindsay, McKinne, McSpadden, Mitchell, Rowe, Thaxton and Thompson—17.

The Senate refused to reconsider.

Yeas 15, nays 16.

Yeas—Messrs. Abernathy, Austin, Bynum, Clitherall, Cocke, Deas, Fleming, Griffin, Jemison, McSpadden, Patton, Rather, Rayburn, Storrs and Thompson—15.

Nays—Messrs. President, Agee, Bullock, Burnett, Carter, Crawford, Felder, Heflin, Horn, Jones of Greene, Jones of Fayette, Lindsay, McKinne, Mitchell, Rowe and Thaxton—16.

The bill passed.

Yeas 20, nays 11.

Yeas—Messrs. President, Agee, Bullock, Burnett, Carter, Clitherall, Cocke, Crawford, Felder, Griffin, Heflin, Horn, Jones of Greene, Jones of Fayette, Lindsay, McKinne, Mitchell, Rowe, Thaxton and Thompson—20.

Nays—Messrs. Abernathy, Austin, Bynum, Deas, Fleming, Jemison, McSpadden, Patton, Rather, Raburn and Storrs—11.

Mr. Jones, of Greene, moved to reconsider the vote on the passage of this bill.

Mr. Clitherall moved to postpone the reconsideration until the first day of January next; which was lost.

Yeas 14, nays 16.

Yeas—Messrs. Abernathy, Austin, Bynum, Clitherall, Cocke, Deas, Fleming, Griffin, Jemison, Lindsay, McSpadden, Rather, Rayburn and Storrs—14.

Nays—Messrs. President, Bullock, Burnett, Carter, Crawford, Felder, Heflin, Horn, Jones of Greene, Jones of Fayette, McKinne, Mitchell, Rowe, Thaxton and Thompson—16.

Mr. Clitherall then moved to postpone the motion to reconsider until the 28th day of December; which was lost.

Yeas 15, nays 15.

Yeas—Messrs. Abernathy, Austin, Bynum, Clitherall, Cocke, Deas, Fleming, Griffin, Jemison, Lindsay, McSpadden, Patton, Rather, Rayburn and Storrs—15.

Nays—Messrs. President, Bullock, Burnett, Carter, Crawford, Felder, Heflin, Horn, Jones of Greene, Jones of Fayette, McKinne, Mitchell, Rowe, Thaxton and Thompson—15.

Mr. Clitherall then moved to postpone until the 21st day of December, inst.; which was lost.

Yeas 15, nays 16.

Yeas—Messrs. Abernathy, Austin, Bynum, Clitherall, Cocke, Deas, Fleming, Griffin, Jemison, Lindsay, McSpadden, Patton, Rather, Rayburn and Storrs—15.

Nays—Messrs. President, Agee, Bullock, Burnett, Carter, Crawford, Felder, Heflin, Horn, Jones of Greene, Jones of Fayette, McKinne, Mitchell, Rowe, Thaxton and Thompson—16.

Mr. Jemison moved to adjourn until 10 o'clock to-morrow: which was lost.

Yeas 13, nays 18.

Yeas—Messrs. Abernathy, Austin, Bynum, Clitherall, Deas, Fleming, Griffin, Jemison, McSpadden, Patton, Rather, Rayburn and Storrs—13.

Nays—Messrs. President, Agee, Bullock, Burnett, Carter, Cocke, Crawford, Felder, Heflin, Horn, Jones of Greene, Jones of Fayette, Lindsay, McKinne, Mitchell, Rowe, Thaxton and Thompson—18.

Mr. Jones withdrew the motion to reconsider.

Message from his excellency, the Governor, by Mr. Powell, informing the Senate that the Governor had approved and signed joint resolutions, for the payment of State bonds due in London in January next.

Mr. Lindsay offered the following resolution:

*Resolved*, That with the concurrence of the House, the two houses will adjourn on the 23d of December, and meet again on the 8th day of January.

Mr. Agee moved to amend, so as to adjourn on the 19th of December, and meet again the 4th of January.

Mr. Bynum moved that the Senate do now adjourn until to-morrow morning at 10 o'clock; which was carried.

Yeas 17, nays 13.

Yeas—Messrs. Abernathy, Agee, Bynum, Carter, Clitherall, Deas, Fleming, Griffin, Heflin, Jemison, Jones of Greene, Jones of Fayette, McKinne, McSpadden, Patton, Rayburn and Storrs—17.

Nays—Messrs. President, Bullock, Burnett, Cocke, Crawford, Felder, Horn, Lindsay, Mitchell, Rather, Rowe, Thaxton and Thompson—13.

So the Senate adjourned until to-morrow morning at 10 o'clock.

DECEMBER 11, 1857.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Shaver.

Mr. McKinne introduced a bill to accept a grant of lands to the State of Alabama, and to carry into execution the trust conferred upon the State of Alabama, granting alternate sections of

public lands to aid in the construction of certain railroads; which was read the first and second times forthwith and referred to the committee on Internal Improvements and Inland Navigation.

Mr. Bullock introduced a bill to enlarge the discretionary powers of grand juries; which was read the first time and ordered to a second reading.

Mr. Felder introduced a joint memorial to the Congress of the United States; which was read the first and second times and referred to the committee on Federal Relations.

Mr. Clitherall gave notice that he would move to reconsider the vote on the passage of the bill to destroy the bills of the State Bank and Branches.

Mr. Crawford introduced a bill to extend the time of opening the books of subscription of the Wetumpka Insurance company; which was read the first time and ordered to a second reading.

Mr. President (Mr. Storrs in the chair) introduced a bill to amend the charter of the Alabama and Florida Railroad company; which was read the first time and ordered to a second reading.

Mr. Crawford offered the following preamble and resolution:

WHEREAS, The committee on the Judiciary meet with much difficulty and uncertainty in making a report upon the condition of that institution, in the absence of the necessary information—therefore,

*Resolved*, That said committee be authorized to proceed to that institution at the earliest possible convenience, and inspect the same with a view to prepare a report.

Mr. Rowe moved to take up the resolution offered by him, proposing to hold afternoon sessions; which was lost.

Mr. Storrs introduced a bill authorising registers in chancery to take acknowledgments of conveyances; which was read the first time and ordered to a second reading.

Mr. Clitherall moved to amend the 42d rule.

Mr. Bynum moved to lay the amendment on the table; which was lost.

The Senate refused to adopt the amendment.

Mr. Lindsay introduced a bill to emancipate certain slaves therein named; which was read the first time.

Mr. Bynum moved the indefinite postponement of the bill; which was carried.

Mr. McSpadden introduced a bill to establish the compensation of representatives and officers of the General Assembly; which was read the first time and ordered to a second reading.

Mr. Clitherall moved to reconsider the vote on the passage of the bill to destroy the bills of the State Bank and Branches.

Mr. Jemison moved to postpone the consideration of the motion until Monday next, and retain the bill in the possession of the Senate; which was lost.

Yeas 14, nays 18.

Yeas—Messrs. Abernathy, Austin, Bynum, Clitherall, Cocke, Deas, Fleming, Griffin, Jemison, McSpadden, Patton, Rather, Rayburn and Storrs—14.

Nays—Messrs. President, Agee, Bullock, Burnett, Carter, Crawford, Felder, Heflin, Horn, Jones of Greene, Jones of Fayette, Lindsay, McKinne, Mitchell, Rowe, Thaxton, Thompson and Woodward—18.

Mr. Jemison then moved to lay the motion to reconsider on the table; which was lost.

Yeas 13, nays 18.

Yeas—Messrs. Abernathy, Austin, Bynum, Clitherall, Deas, Fleming, Griffin, Jemison, McSpadden, Patton, Rather, Rayburn and Storrs—13.

Nays—Messrs. President, Agee, Bullock, Burnett, Carter, Cocke, Crawford, Felder, Heflin, Horn, Jones of Greene, Jones of Fayette, McKinne, Mitchell, Rowe, Thaxton, Thompson and Woodward—18.

The vote was then taken on the motion to reconsider.

The Senate refused to reconsider.

Yeas 12, nays 20.

Yeas—Messrs. Abernathy, Bynum, Clitherall, Deas, Fleming, Griffin, Jemison, McSpadden, Patton, Rather, Rayburn and Storrs—12.

Nays—Messrs. President, Agee, Austin, Bullock, Burnett, Carter, Cocke, Crawford, Felder, Heflin, Horn, Jones of Greene, Jones of Fayette, Lindsay, McKinne, Mitchell, Rowe, Thaxton, Thompson and Woodward—20.

The special orders were postponed until to-morrow.

Mr. Clitherall, from the committee on the Judiciary, reported the bill in relation to taking the deposition of witnesses, with amendments; which were adopted.

Mr. Clitherall moved to amend by adding, "unless the opposite party, his agent or attorney, be also present;" which was adopted, and the bill ordered to be engrossed.

The Senate proceeded to the consideration of the general

## ORDERS OF THE DAY.

The bill to authorize A. M. Lewis, of Marengo, to erect gates across a certain public road;

The bill to incorporate the Uniontown and Jackson Railroad company;

The bill to amend sections 2313 and 2779 of the Code, and to repeal section 2314;

The bill to amend an act to incorporate a company of artillery at Greensboro;

The bill to incorporate the Rock Island and Coosa Mining company; and

The bill to provide for printing the reports of the comptroller, state treasurer, and inspectors of the penitentiary; were severally read the third time and passed.

Mr. Lindsay moved to reconsider the vote refusing to order the bill for the relief of Benj. B. Avery, to be engrossed.

The vote was reconsidered, and the bill ordered to be engrossed.

The bill to incorporate the Lubbub Insurance company, of Pickens county, was laid on the table.

The joint resolutions to procure the passage of a bill in Congress, to all surviving officers and soldiers in the war of 1812 and '15, were read the third time.

The Senate refused to pass the resolutions.

The bill from the House, to make the circuit judges rotate throughout the State, and for other purposes; and,

The bill to repeal an act approved 5th of February, 1856, and for other purposes; were severally read the third time and passed.

The caption of this bill was amended by the Senate.

The bill to accept a grant of land to the State of Alabama, by an act of Congress granting public lands in alternate sections to aid in the construction of certain railroads, &c., was read the second time.

Mr. Jemison moved to amend by adding, "on giving good and sufficient security;" which was lost and the bill ordered to be engrossed.

The Senate bills:

To repeal certain sections of the Code therein named;

To regulate the manner and reduce the expense of advertising the settlements of executors, administrators and guardians;

To repeal section 2510 of the Code;

To lay off the counties into commissioners' districts;

To repeal an act approved February 1, 1840.

Relating to building and loan associations;

To amend section 3161 of the Code ;  
 To amend section 1165 of the Code ;  
 To permanently establish the precinct in Flat Creek beat No. — ;  
 To amend the laws regulating the estates of deceased persons ;  
 To amend an act incorporating the Mobile and Girard Railroad company ;

To amend section 3249 of the Code ; were severally read the second time, and referred to the committee on the Judiciary.

The bills to secure the State against fraudulent claims ;

For the relief of John S. Barnes ;

For the relief of Charles Gookin ;

To regulate the registration of claims against the counties of Marshall and DeKalb ; were severally read the second time, and referred to the committee on Accounts and Claims.

The bill to prevent all banks and other corporations from paying out or using the bank notes of banks of other States, was read the second time and referred to the committee on Banks and Banking.

The bill to accept a grant of land by Congress to the Coosa and Chattooga River Railroad, was read the second time and ordered to be engrossed.

The bill to extend an act approved 18th of February, 1854, to provide for the extension of the debts due 16th sections, was read the second time and referred to the committee on 16th sections.

The bill for the relief of Stephen M. Ingersoll, of Russell county, was read the second time and referred to the committee on the Judiciary.

The bill for the relief of tax payers, was read the second time and laid on the table.

The bill to provide for the pay of commissioners of roads and revenue for Coffee county ; and,

The bill to regulate the tax fees of jurors in Coffee county, were severally read the second time and ordered to be engrossed.

The joint resolutions in relation to foreign policy, were read the second time, and referred to the committee on Federal Relations.

The bill to incorporate the Alabama Central Female College in the city of Tuscaloosa, was read the second time and referred to the committee on Education ; and, also,

The bill to amend "an act to render more efficient the system of free public schools in the State of Alabama, approved 14th of February, 1856."

The bill to change the time of holding the circuit courts of Montgomery county, was read the second time and referred to

a select committee composed of Messrs. Felder, Bullock, Thompson, McKinne and Horn.

The bill to authorize the several courts of county commissioners to regulate the pay of jurors, was read the second time.

Mr. Austin moved to amend by adding, "also witnesses residing within the county;" which was adopted and the bill ordered to be engrossed.

The bill for the benefit of patrons of township schools in Russell county, was read the second time and referred to the committee on Education.

The bill for the relief of the Alabama and East Tennessee Railroad company, was read the second time and referred to the committee on Internal Improvements and Inland Navigation.

The following bills were severally read the second time and referred to the Judiciary committee:

Requiring witnesses to appear and testify before grand juries in certain cases therein designated;

For the relief of Hart McCall, late tax collector of Barbour county, and his securities;

For the relief of Eliza J. Hornbuckle, administratrix, and George Russell, administrator, &c.;

To repeal section 2257 of the Code;

To amend sections 1023 and 3047 of the Code;

To prevent banks of other States from carrying on the business of banking in this State;

To authorize the commissioners' court of the county of Bibb, to establish additional places of voting in said county;

To increase the power of the probate court of Lawrence county, and for other purposes;

For the relief of James H. Gill, of Morgan county;

For the relief of Lewis B. Curton;

To repeal certain acts therein named;

To amend sections 2471 and 2472 of the Code;

In relation to the estate of minors;

To provide for more conveniently proving accounts in certain cases.

Also the following engrossed House bills, were severally read the second time and referred to the committee on the Judiciary:

For the relief of William T. Webb and his securities;

To authorize the administrator of William Towns to sell and convey real estate;

Authorizing the court of county commissioners in the county Covington, to establish one or more places of voting in each election precinct;

Concerning registers in chancery;



To repeal an act to consolidate the offices of judge of probate and clerk of the circuit court of Hancock county, approved February 2, 1854;

To prevent the levy of an execution on a growing crop;

To define the duties of justices of the peace and constables in the county of Coffee;

To amend the insolvent debtors' law;

In relation to the duties of the judge of probate and commissioners' court of the county of Pickens;

To authorize the people of Pike county to elect the county surveyor of said county;

To amend the law in regard to bail in civil actions;

To extend the operation of section 2768 of the Code;

The following bills were severally read the second time and referred to the committee on Corporations:

To incorporate the Shelby County Iron Manufacturing company;

To incorporate the Marion Insurance and Trust company;

To incorporate the Fort Browder Male Academy in Barbour county;

To incorporate the Botanical Medical Board for the county of St. Clair;

To repeal an act therein named, relating to the deposit of monies in the Savings Bank of Mobile.

The following bills were severally read, and referred to the committee on Propositions and Grievances:

Senate bill:

For the benefit of Jno. M. P. Lyon, of the county of Jackson;

House bill,

For the relief of William Brasseal, of Blount county.

The bill to repeal 8th section of the 2d article of an act "to render more effectual the system of free public schools in the State of Alabama," approved February 14, 1856, and for other purposes therein specified, was read the second time and referred to the committee on Education.

The bill to incorporate the Eufaula Rifles, in Barbour county, was read the second time and referred to the Military committee.

The bill to fix more definitely the boundary line between the counties of Greene, Tuskaloosa and Pickens, was read the second time and referred to the committee on County Boundaries.

The bill to divorce Elizabeth Elliott from her husband, Robert Elliott, and to divorce other persons therein named, was read the second time and referred to the committee on Divorce and Alimony.

The bill for the relief of certain persons therein named, was

read the second time and referred to the committee on Accounts and Claims.

On motion of Mr. Patton,

The bill to legalize the suspension of specie payments by the Commercial and Central Banks, was taken from the table and placed among the orders.

The following bills were severally read the second time, and referred to the committee on Internal Improvements and Inland Navigation:

To invest and dispose of the two per cent. fund;

To prevent the adulteration of liquors, &c.;

To amend the charter of the Mobile Bay Road company.

The bill to change the term of office of apportioners in the counties of Greene and Marengo, was read the second time and ordered to be engrossed.

And the Senate adjourned until to-morrow morning at 10 o'clock.

SATURDAY, December 12, 1857.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Shaver.

Mr. President laid before the Senate a communication from the trustees of the State University; which was laid on the table, and 500 copies ordered to be printed.

Mr. Bullock introduced a bill in relation to public printing; which was read the first and second times, and referred to the committee on Public Printing.

Mr. Bullock introduced a bill to provide for the suppression of depositions in certain cases.

On motion of Mr. A. C. Jones,

*Resolved*, That the committee on the Judiciary be instructed to enquire into the expediency of raising the salaries of the judges of the supreme court, the chancellors and judges of the circuit courts, and that they have leave to report by bill or otherwise.

Mr. Storrs presented the petition of Jno. S. Barnes, and fifty other citizens of Shelby; which was referred to the committee on Accounts and Claims.

Mr. Clitherall introduced a bill to provide for the election of a state printer, and for other purposes.

Mr. Lindsay introduced a bill to regulate the collection of taxes in this State; which were severally read the first time and ordered to a second reading.

Mr. Bynum offered the following resolution:

*Resolved*, That the committee on the Military be instructed to

procure two national flags, of proper size, and have the same raised over the respective houses of the General Assembly, when they are in session.

Mr. Burnett moved to lay the resolution on the table; which was carried.

Yeas 16, nays 14.

Yeas—Messrs. Abernathy, Austin, Burnett, Crawford, Deas, Fleming, Griffin, Hill, Horn, Jemison, Jones of Fayette, Mitchell, Rayburn, Rowe, Thaxton and Thompson—16.

Nays—Messrs. President, Agee, Bullock, Bynum, Clitherall, Felder, Heflin, Jones of Greene, Lindsay, McKinne, McSpadden, Patton, Rather and Storrs—14.

Mr. McSpadden introduced a bill to regulate the election of tax accessors.

Mr. Fleming introduced a bill to regulate jailors fees in the county of Madison; which were severally read the first time, and ordered to a second reading.

On motion of Mr. Fleming,

*Resolved*, That the Judiciary committee be instructed to enquire into the expediency of so amending the constitution as to give justices of the peace jurisdiction in cases of assaults and batteries and minor offences against the peace laws, and report by bill or otherwise.

Mr. Patton introduced a bill to regulate and define the duties and liabilities of railroad companies in this State; which was read the first and second time and referred to the committee on Internal Improvements and Inland Navigation.

Mr. Storrs reported favorably on the bill to incorporate the trustees of the Synod of Alabama.

And the bill was ordered to be engrossed.

Mr. Rather reported favorably on the bill to legalize the endorsement of the bonds of the Alabama and Florida Railroad company by the Montgomery and West Point Railroad company.

The bill was read the third time and passed.

Message from the House, by Mr. Hames:

Mr. President: The House of Representatives has originated and passed bills of the following titles:

For the relief of the estate of Albert Russell, deceased;

To amend the charter of the town of Cahaba, and for other purposes;

The House also concurs in the amendment offered by the Senate, to the bill, in regard to extending the time for the payment of taxes into the State treasury, &c;

For the relief of L. P. Butler, of Montgomery county;

Amendatory of the proceedings in chancery;

To prohibit the issue or circulation of bank notes under five dollars, in this State;

To amend the charter of the Protestant Orphan Asylum Society, located at Mobile.

The first and last bills mentioned in the message, were severally read, on three several times, under a suspension of the rule, and passed.

The other bills were severally read the first time, and ordered to a second reading.

The bill to amend the charter of the town of Cahaba, and for other purposes, was read the first time and ordered to a second reading.

Mr. Patton, from the committee on Internal Improvements, reported the bill to remove Colbert's Shoals, in the Tennessee river, with an amendment, and recommended its passage.

Mr. President (Mr. Clitherall in the chair) moved to lay the bill on the table; which was carried.

Yeas 23, nays 8.

Yeas—Messrs. President, Austin, Bullock, Burgett, Carter, Clitherall, Crawford, Felder, Fleming, Griffin, Heflin, Hill, Horn, Jones of Greene, Jones of Fayette, Lindsay, McKinne, McSpadden, Mitchell, Rowe, Thaxton, Thompson and Woodward—23.

Nays—Messrs. Abernathy, Bynum, Cock, Deas, Jemison, Patton, Rather, Rayburn and Storrs—8.

Whilst the vote on the last motion was being taken, when Mr. Lindsay's name was called, he proposed to give reasons for his vote.

Mr. President (Mr. Clitherall in the chair) decided that it was not in order, under the 42d rule.

Mr. Lindsay appealed from the decision, and the chair was sustained.

Yeas 20, nays 8.

Yeas—Messrs. President, Abernathy, Agee, Bullock, Carter, Cocke, Crawford, Fleming, Griffin, Heflin, Hill, Jones of Greene, Jones of Fayette, McKinne, McSpadden, Mitchell, Rather, Rayburn and Thaxton—20.

Nays—Messrs. Deas, Felder, Jemison, Lindsay, Patton, Rowe, Storrs and Thompson—8.

Mr. Rowe, from the committee on Accounts, reported a bill for the relief of J. W. Mallet; which was read the first time, and ordered to a second reading.

Mr. Austin reported favorably on the bill to incorporate the Marshall and Jackson Counties Railroad company, and recommended a substitute for said bill.

The substitute was adopted, read the third time forthwith, and passed.

Mr. Rather reported adversely on the memorial of the Alabama and Tennessee River Railroad company.

Mr. McSpadden moved to refer the memorial to the committee on the Judiciary.

A message was received from the Governor, transmitting the report of the commissioners appointed to examine and report the condition of the Commercial Bank.

Ordered that the documents be laid on the table.

The hour of eleven having arrived, the Senate proceeded to consider the special order, it being the bill in regard to annual sessions of the General Assembly.

Mr. Storrs moved to postpone the further consideration of the bill until the ninth day of January; which was lost.

Yeas 6, nays 26.

Yeas—Messrs. President, Cooke, Deas, Griffin, Mitchell and Storrs—6.

Nays—Messrs. Abernathy, Agee, Austin, Bullock, Burnett, Bynum, Carter, Clitherall, Crawford, Felder, Fleming, Heflin, Hill, Horn, Jones of Greene, Jones of Fayette, Lindsay, McSpadden, McKinnie, Patton, Rayburn, Rather, Rowe, Thaxton, Thompson and Woodward—26.

Mr. Lindsay moved to postpone until Monday at 10 o'clock; which was lost.

The Senate then adjourned until Monday morning, 10 o'clock.

MONDAY, December 14, 1857.

The Senate met pursuant to adjournment.

Mr. Bullock introduced a bill to compensate Wm. N. A. S. Binson, of Barbour county, for arresting a fugitive from justice.

Mr. Burnett introduced a bill to amend section 2118 of the Code of Alabama; which were severally read the first time and ordered to a second reading.

Mr. Heflin introduced a bill for the relief of Jefferson Falkner; which was read the first and second times, and referred to the committee on Accounts.

Mr. Storrs presented the petition of John S. Barnes; which was referred to the committee on Accounts and Claims.

Mr. Storrs introduced a bill to exempt railroad companies from taxation until they have completed their roads or have begun to declare a dividend; which was read the first and second times, and referred to the committee on Finance and Taxation.

Mr. Clitherall introduced a bill for the relief of W. P. Molett,

of Dallas county; which was read the first and second times, and referred to the committee on the Judiciary.

Mr. Lindsay introduced a bill for the relief of Frederic W. Bynum, of Franklin county.

Mr. Lindsay offered the following resolution:

*Resolved*, That the committee on Public Printing be instructed to enquire into the expediency and policy of publishing, at the close of the legislative session in one or more newspapers in this State, all the laws of a general nature enacted during such session; which was adopted.

Mr. Fleming introduced a bill to extend the charter of the Winchester and Alabama Railroad; which was read the first, second and third times forthwith, under a suspension of the rule, and passed.

Mr. Rather introduced a bill to provide for the pay of the members and officers of the General Assembly; which was read the first, second and third times, under a suspension of the rule, and passed.

Mr. Jemison introduced a bill to amend the act to incorporate the Marengo Plank or Covered Road company; which was read the first and second times and referred to the committee on Internal Improvements.

Mr. Horn introduced a bill to amend an act to incorporate the Elba Insurance company, of Coffee county, approved February 7, 1856; which was read the first and second times and referred to the committee on Corporations.

Message from the House, by Mr. Hanes:

Mr. President: The House of Representatives has adopted the following resolution:

*Resolved*, That this House, with a concurrence of the Senate, do adjourn on Saturday next, the 19th instant, and that the houses of the General Assembly of this State meet again on the 8th day of January, 1858.

The resolution from the House of Representatives proposing that the two houses adjourn on the 19th instant, and meet again on the 8th of January, 1858, was concurred in by the Senate.

(Mr. Bynum having moved the previous question.)

Yeas 18, nays 13.

Yeas—Messrs. Abernathy, Adee, Bullock, Burnett, Bynum, Carter, Felder, Griffin, Heflin, Horn, Jemison, Jones of Greene, Jones of Fayette, Lindsay, Patton, Rather, Thaxton and Thompson—18.

Nays—Messrs. President, Clitherall, Coeke, Crawford, Deas, Fleming, Hill, McKinn, Mitchell, Rayburn, Rowe and Storrs—13.

The following amendment of Mr. Hill, was cut off by the previous question :

*Provided*, That the members of the Senate and House shall not claim per diem or mileage for going to or returning from their homes.

Mr. Bynum moved to reconsider this vote.

The Senate refused to reconsider.

The bill for the relief of W. B. & A. R. Bell, was read the first and second times and referred to the committee on Accounts and Claims.

The Senate proceeded to the consideration of the special order, it being the bill to sanction the suspension of specie payments by the Central and Commercial Banks.

Mr. Patton moved to strike out \$200,0000 and insert \$50,000.

Mr. Agee called for a division of the question. It was first taken on striking out, and carried.

Mr. Agee moved to fill the blank with \$75,000 ; which was lost.

The blank was filled with \$50,000.

Mr. Agee moved to strike out 8 and insert 12 per cent.; which was lost.

Yeas 10, nays 20.

Yeas—Messrs. President, Agee, Clitherall, Fleming, Hill, Jones of Greene, Lindsay, McSpadden, Rayburn and Thompson—10.

Nays—Messrs. Abernathy, Austin, Bullock, Burnett, Bynum, Carter, Cocke, Crawford, Deas, Felder, Griffin, Heflin, Horn, Jemison, McKinnic, Mitchell, Patton, Rather, Rowe and Thaxton—20.

Mr. Lindsay moved to amend as follows:

Strike out all after the word "dollars," in the 9th line to the end of the 10th line, and insert, "and on the 15th day of July next succeeding, all the bills of said bank which may at that time be in the State treasury, the first two payments to bear interest from the 1st of December, 1857, and the last payment to bear interest from the first day of May, 1857, at the rate of 12 per cent. per annum.

Mr. Jemison moved to amend the amendment offered by Mr. Lindsay, as follows :

*Provided*, That any amount paid by said Central Bank for transmission of coin to the point at which any payment may be required, or the difference in exchange between Montgomery and the point at which the payment may be required, shall be deducted from the interest herein required to be paid by said bank.

Mr. Cocke moved to lay the amendment and the to the amendment on the table; which was carried.

Yeas 26, nays 2.

Yeas—Messrs. President, Abernathy, Agee, Austin, Bullock, Burnett, Bynum, Carter, Clitherall, Cocke, Crawford, Deas, Felder, Fleming, Griffin, Heflin, Hill, Jemison, Jones of Greene, McKinne, McSpadden, Mitchell, Patton, Rather, Rowe and Thaxton—26.

Nays—Messrs. Lindsay and Thompson—2.

Mr. President (Mr. Clitherall in the chair) moved to strike out section 3, and add the following as an additional section:

*And be it further enacted*, That it shall be the duty of each of said banks, within thirty days after the passage of this act, to notify the Governor of this State in a proper and legal manner of its acceptance of the provisions of this act, so far as the same may be applicable to such bank as a part of the charter of said bank, and in default of such notice, the charter of such bank is by this General Assembly declared forfeited as it is authorized by the constitution to declare, and the Governor shall see that the proper steps are taken to place such banks so refusing in liquidation.

The amendment was adopted.

Mr. Jones, of Greene, moved to amend as follows, to take the place of section 3:

*Be it further enacted*, That the said Central Bank of Alabama, and Commercial Bank of Alabama, respectively, shall each be required to receive its own notes in payment of any note, draft, or bill of exchange held by such bank or its agent, at the place where the same may be made payable in this State.

Mr. Bynum moved to lay the amendment on the table; which was lost.

Yeas 11, nays 18.

Yeas—Messrs. Austin, Bullock, Bynum, Carter, Clitherall, Cocke, Crawford, Felder, Jemison, Mitchell and Patton—11.

Nays—Messrs. President, Abernathy, Agee, Deas, Fleming, Griffin, Heflin, Hill, Jones of Greene, Jones of Fayette, Lindsay, McKinne, McSpadden, Rather, Rayburn, Thaxton and Thompson—18.

Mr. Lindsay moved to amend the amendment offered by Mr. Jones as follows:

*Provided*, That the provisions of this section shall only apply to said banks during the period said banks may at any time hereafter suspend specie payments.

Pending the discussion on this amendment, the Senate adjourned until to-morrow morning, at 10 o'clock.



TUESDAY, December 15, 1857.

Senate met pursuant to adjournment.

Prayer by Right Rev. Bishop Cobbs.

Mr. Deas introduced a bill to amend the charter of the city of Mobile.

Mr. Bullock introduced a bill to renew and extend the operation of an act therein named.

Mr. Rayburn introduced a bill allowing certain fees to officers arresting persons under a warrant issued by a committing magistrate; which were severally read the first time and ordered to a second reading.

Mr. Clitherall reported favorably on the bill to regulate the manner and reduce the expense of advertising the settlements of executors, administrators and guardians.

The bill was read the third time and passed.

Mr. Clitherall reported adversely on the bill to authorize the administrator of William Towns to sell and convey real estate.

The report was concurred in.

Mr. Rather reported favorably on the bill requiring witnesses to appear and testify before grand juries in certain cases therein designated.

Mr. Clitherall moved to amend as follows:

SECTION 2. That solicitors may issue or cause to be issued by the clerks of the circuit courts of his circuit, subpoenas for witnesses in any case, whether felony, or misdemeanor, to appear before grand juries, who must appear under the penalties hereinbefore prescribed; which was lost.

The bill was read the third time and passed.

Mr. Rather reported favorably on the bill to amend section 3161 of the Code; and the bill was ordered to be engrossed.

Mr. Clitherall, from the committee on Education, to whom was referred the resolution instructing said committee to enquire into the expediency of vesting the clerical duties of superintendent of education in the secretary of state, and the financial duties of said office in the comptroller, with an increase of five hundred dollars in the salary of secretary of state and comptroller, reported that it would be inexpedient to legislate on the subject of said resolution in the manner therein proposed, or in any manner to abolish or impair the efficiency of the office of superintendent of education.

The report was concurred in.

Mr. Clitherall reported favorably on the bill for the relief of John E. McCrary, of Butler county.

The report and bill were postponed until the 8th day of January next.

Mr. Lindsay reported a substitute for the bill authorizing the court of county commissioners in the county of Covington, and sundry other bills, to establish one or more places of voting in each election precinct.

The substitute was adopted, and read the third time and passed.

Mr. Bullock reported adversely on the bill to authorize the probate court of Montgomery county, to take jurisdiction of the estate of John S. Chesser, deceased.

The report was concurred in.

Mr. Bullock reported adversely on the bill to provide for the pay of jurors in the county of Fayette; because the object was met by a general bill.

The report was concurred in, and the bill laid on the table.

Mr. Bullock reported favorably on the bill to amend and repeal in part an act therein named.

The bill was ordered to a third reading.

Mr. Bullock reported favorably on the bill to amend section 3992 of the Code, in reference to the fees of sheriffs in criminal cases.

The bill was ordered to a third reading.

Mr. Patton reported favorably on the bill to incorporate the Alabama Central Female College, in the city of Tuscaloosa.

The bill was read the third time and passed.

Mr. Patton reported favorably on the bill to confirm the lease made by the trustees of the University of Alabama, of the old State House, at Tuscaloosa.

The bill was read the third time and passed.

Mr. Cooke, from the committee on Accounts, reported favorably on the bill for the relief of W. B. & A. R. Bell.

The bill was read the third time and passed.

Mr. Storrs, from the committee on Corporations, reported adversely on the bill to incorporate the Botanical Medical Board, for the county of St. Clair.

The report was concurred in.

Mr. Burnett reported adversely on the bill for the relief of Benjamin West, tax collector of Pickens county.

The report and bill were laid on the table on the motion of Mr. Clitherall.

Mr. Patton, from the committee on Education, reported favorably on the bill to amend an act approved February 3, 1852, to incorporate the North Alabama College.

The bill was read the third time and passed.

Mr. Jones, of Greene, reported favorably on the joint resolutions in relation to foreign policy.

The resolutions were read the third time and passed unanimously—Yeas 29.

Yeas—Messrs. President, Abernathy, Austin, Burnett, Bynum, Carter, Clitherall, Cocke, Crawford, Deas, Fleming, Griffin, Heflin, Hill, Horn, Jemison, Jones of Greene, Jones of Fayette, Lindsay, McKinne, McSpadden, Mitchell, Patton, Rather, Rayburn, Storrs, Thaxton and Thompson—29.

Mr. Jones, of Greene, reported favorably on the joint memorial to the Congress of the United States.

The memorial was ordered to be engrossed.

Mr. Bullock, from the committee on the Judiciary, to whom was referred so much of the Governor's message as relates to the compensation of John A. Elmore and M. A. Baldwin, for services rendered as attorneys for the State, in the litigation between the State and the Mobile and Ohio Railroad company, reported a bill to compensate John A. Elmore and M. A. Baldwin for services rendered the State.

Mr. Deas moved to strike out "fifteen hundred," and "one thousand," in the first and second sections of the bill, with a view to insert "five hundred."

Mr. Clitherall moved to lay the amendment on the table; which was carried.

Yeas 19, nays 10.

Yeas—Messrs. President, Austin, Bullock, Carter, Clitherall, Crawford, Felder, Heflin, Hill, Horn, Jemison, Jones of Greene, Jones of Fayette, Lindsay, McSpadden, Patton, Rather and Storrs—19.

Nays—Messrs. Abernathy, Burnett, Bynum, Cocke, Deas, Fleming, Griffin, Mitchell, Rayburn and Thaxton—10.

Mr. Lindsay moved the previous question, which was sustained.

Yeas 19, nays 11.

Yeas—Messrs. President, Austin, Bullock, Carter, Clitherall, Crawford, Felder, Fleming, Heflin, Hill, Horn, Jemison, Jones of Greene, Jones of Fayette, Lindsay, McKinne, McSpadden, Rather and Thompson—19.

Nays—Messrs. Abernathy, Burnett, Bynum, Cocke, Deas, Griffin, Mitchell, Patton, Rayburn, Storrs and Thaxton—11.

The bill was ordered to be engrossed.

Yeas 23, nays 7.

Yeas—Messrs. President, Austin, Bullock, Burnett, Bynum, Carter, Clitherall, Crawford, Felder, Fleming, Heflin, Hill, Horn, Jemison, Jones of Greene, Jones of Fayette, Lindsay, McKinne, McSpadden, Patton, Rather, Storrs and Thompson—23.

Nays—Messrs. Abernathy, Cocke, Deas, Griffin, Mitchell, Rayburn and Thaxton—7.

The Senate proceeded to the consideration of the special order, it being the bill to legalize the suspension of the Commercial Bank and of the Central Bank of Alabama.

The question pending on the amendment to the amendment,

On leave being granted, Mr. Lindsay withdrew his amendment and modified it, so as to read as follows:

*Provided*, That the provisions of this section shall only apply to said banks, during the period said banks may suspend specie payments.

The amendment to the amendment was adopted.

Yeas 18, nays 13.

Yeas—Messrs. Abernathy, Austin, Bullock, Burnett, Bynum, Carter, Clitherall, Cocke, Crawford, Felder, Griffin, Hill, Jemison, Jones of Fayette, Lindsay, Mitchell, Patton and Thaxton—18.

Nays—Messrs. President, Agee, Deas, Fleming, Heflin, Horn, Jones of Greene, McKinne, McSpadden, Rather Rayburn, Rowe and Thompson—13.

The amendment as amended was also adopted.

Yeas 20, nays 7.

Yeas—Messrs. President, Abernathy, Bullock, Burnett, Agee, Cocke, Crawford, Fleming, Griffin, Heflin, Hill, Jemison, Jones of Greene, Jones of Fayette, Lindsay, McSpadden, Patton, Rather, Rayburn, Rowe and Thompson—20.

Nays—Messrs. Austin, Bynum, Carter, Clitherall, Felder, Horn and Mitchell—7.

And the Senate adjourned until to-morrow morning, 10 o'clock.

DECEMBER 16, 1857.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Petrie.

Mr. President (Mr. Bullock in the chair) submitted the following protest:

The Senate having under consideration the bill to sanction the suspension of specie payments by the Central and Commercial Banks of Alabama, an amendment thereto was offered in the place of the third section of said bill, which had been stricken out. This amendment was offered by the Senator from Greene, which was in the following words, viz:

*Be it further enacted*, That the said Central Bank of Alabama and Commercial Bank of Alabama, respectively, shall each be required to receive its own notes in payment of any note, draft or bill of exchange, held by such bank or its agent, at the place where the same may be made payable in this State.

To this amendment, the Senator from Franklin offered as an amendment the following, by way of proviso, viz:

*Provided*, That the provisions of this section shall only apply to said banks during the period or periods said banks may suspend specie payments.

Which amendment of the Senator from Franklin was adopted, and against which I voted, and against which make this protest, and desire to place upon the journals my reasons for said vote:

I believe it was the clear expectation of the people of Alabama that the bank's notes, which should be put in circulation by the banks chartered by this State, should be at par in all portions of the State, and more especially in the great commercial emporium of the State, and that was the duty of the legislature in granting the charter, to have imposed such terms on the banks as to have secured the equal value of their bills in all parts of the State. Experience has, however, proven that this object of so great importance was not accomplished, and that in fact, at no time since the Central and Commercial Banks have been in operation, have their notes been at par in the city of Mobile; during the whole of their existence have the notes of both those banks been at a discount in Mobile. When said banks suspended specie payments, and thereby placed their corporate existence in the hands of the Legislature, and gave it the power to impose such additional restrictions on their charters as might be deemed advisable, and which experience might have proved to be proper to secure the people of the State against imposition and loss, from the currency which might be furnished by said banks, it appeared to this protestant, that it was the duty of the Legislature to engraft upon the charter of said banks, such amendments as would secure the people of Alabama against a depreciated and unequal currency. That object would have been secured, as this protestant believes, by the adoption of the amendment offered by the Senator from Greene. The simple and true operation of this amendment would have been that these banks would have been compelled to receive their own notes in payment of their own bills of exchange sent to Mobile for collection. Thus producing a demand in Mobile for their bank notes, and giving to them a value which they have not heretofore had. This proposition seemed to be so fair and reasonable and right to protestant, that it was a matter of surprise that it should be resisted. It seems to protestant very strange that a bank should, under any circumstances, refuse or object to receive its own bank bills in payment of a debt due to itself. This was all that was required of them by the amendment of the Senator from Greene, and would have been efficacious in giving a fair

value to the bills of either of said banks in Mobile and elsewhere in the State.

The adoption of the amendment of the Senator from Franklin, to the amendment of the Senator from Greene, which limits the operation of this fair and beneficial provision to the short period of suspension, destroys, as protestant believes, nearly all the value and beneficial operation of the proposition submitted by the Senator from Greene. Protestant voted against the amendment of the Senator from Franklin, and asks to have this protest against said amendment, and these reasons for his vote thereon, placed on the journals.

(Signed,)

We join in the above protest:

J. M. CALHOUN.

JAMES S. DEAS,  
A. C. JONES,  
H. B. THOMPSON,  
D. H. HORN,  
R. S. HEFLIN,  
WM. FLEMING.

Ordered that leave of absence be granted to Mr. E. P. Jones.

Mr. McKinne introduced a bill to authorize the South Western Railroad company to extend their railroad from the line of Georgia, at the town of Franklin, on the Chattahoochee river, to the city of Mobile, &c.; which was read the first and second times and referred to the committee on Internal Improvements.

Mr. A. C. Jones introduced a bill declaratory of the common law in reference to the payment of bank debts; which was read the first time.

Mr. Jones moved to suspend the rules and read the bill the second time forthwith; which was lost.

Yeas 20, nays 8.

Yeas—Messrs. President, Abernathy, Agce, Austin, Bullock, Burnett, Deas, Fleming, Heflin, Hill, Horn, Jones of Greene, Lindsay, McKinne, McSpadden, Rather, Rayburn, Storrs, Thaxton and Thompson—20.

Nays—Messrs. Bynum, Carter, Clitherall, Felder, Griffin, Jemison, Mitchell and Patton—8.

Mr. Burnett introduced a bill to amend sections 2118, 2120, 2121 and 2122 of the Code.

Mr. Heflin introduced a bill to increase the pay of county court commissioners of the county of Randolph.

Mr. Abernathy introduced a bill for the relief of the deaf and dumb of Alabama, and for other purposes; which were severally read the first time and ordered to a second reading.

Mr. Lindsay introduced a bill requiring the quarter master

general to furnish the Southern Polytechnic Institution at La-Grange, Franklin county, with a stand of muskets, and for other purposes, was read the first time and ordered to a second reading.

Mr. McSpadden introduced a bill for the relief of Matilda Street; read the first, second and third times, under a suspension of the rule, and passed.

Mr. McSpadden introduced a bill to authorize the removal of causes in the chancery courts in certain cases.

Mr. McSpadden introduced a bill to give effect to powers of attorney; which were severally the first time and ordered to a second reading.

Mr. Rayburn introduced a bill to regulate the calling of the dockets of the circuit courts of this State; read the first time and ordered to a second reading.

Mr. Fleming offered the following joint resolution:

*Resolved*, That the State treasurer be authorized to pay out the notes of the State bank and branches, in the disbursements of the State government, until the General Assembly direct otherwise.

Which was read the first time.

The Senate refused to order the resolution to a second reading.

Yeas 2, nays 26.

Yeas—Messrs. Fleming and Deas.

Nays—Messrs. President, Abernathy, Agee, Austin, Bullock, Burnett, Bynum, Carter, Clitherall, Cocke, Felder, Griffin, Heflin, Hill, Horn, Jemison, Jones of Greene, Lindsay, McKinne, Mitchell, Patton, Rather, Rayburn, Storrs, Thaxton, Thompson—26.

Mr. Fleming offered the following resolution:

*Be it resolved*, That the doorkeepers of each House be, and they are hereby required to illuminate the Capitol on the evening of the 8th of January next, at 6 o'clock, P. M., until 12 o'clock, P. M., of that day, and that a sufficient amount of money be, and is hereby appropriated to discharge the said expense of said illumination; which was read the first and second times.

Mr. Clitherall moved the previous question, and the resolution was ordered to be engrossed.

The bill from the House, to authorize the administrator of Richard Morton, deceased, late of Autauga county, to sell the negro property belonging to said estate; which was read the first and second times and referred to the committee on the Judiciary.

The following House bills:

For the relief of John L. Pearce, guardian, &c.;

To authorize magistrates in beats Nos. 4 and 5, of Montgomery, to appoint special constables in said beats;

Joint resolutions designating the application of certain lands granted by Congress to the State of Alabama;

To amend section 1537 of the Code; were severally read the first time and ordered to a second reading.

The bill making appropriations for the fiscal year 1858-'9, was read the first and second times, and referred to the committee on Finance and Taxation.

House bills:

To amend the charter of the Winchester and Alabama Railroad company, approved January 25th, 1856;

To authorize Edward R. Stanley to lease the lands of his ward;

To abolish the December term of the chancery court in Marengo county, were severally read the first, second, and third times and passed.

The amendment of the House to the bill to incorporate the city of Eufaula was concurred in.

Mr. Bynum reported favorably on the bill to repeal an act to consolidate the offices of judge of probate and clerk of the circuit court of Hancock county. The bill was ordered to a third reading.

Mr. Jemison reported unfavorably on the petition of Wm. H. and Samuel T. Weaver. The report was concurred in.

Mr. Bynum, from the Judiciary committee, reported a substitute for the House bill to extend the operation of section 2768 of the Code to Lawrence county; which was read and ordered to a third reading.

Mr. Felder, from the select committee, to whom was referred the bill to change the time of holding the circuit court of Montgomery county, reported the same back without amendment and recommended its passage. The bill was read a third time and passed.

Mr. Rather, from the committee on Internal Improvements, reported it inexpedient to pass the bill for the relief of the Alabama and East Tennessee Railroad company; which was concurred in.

Mr. Rather, from the same committee, reported favorably on the following bills and recommended their passage:

The bill to accept a grant of lands to the State of Alabama, and to carry into execution the trust conferred upon the State of Alabama, by an act of Congress entitled, an act making a grant of land to the Territory of Minnesota, in alternate sections, to aid in the construction of certain railroads in said Territory, &c.;

To amend the charter of the Mobile Bay Road company;



And to prevent the adulteration of liquors, &c.; which were severally read and ordered to a third reading.

Mr. Hill, from the committee on Propositions and Grievances, reported against the memorial of Neal Smith. The same was concurred in.

Mr. Agee moved to reconsider the vote concurring; which was lost.

Mr. Hill, from the same committee, reported adversely to the petition for the relief of Narcissus Daniel. The same was concurred in.

Mr. Hill, from the same committee, reported a bill for the relief of Richard Herndon, of Jefferson county; which was read and ordered to a second reading.

Mr. Horn, from the special committee to whom was referred the petition and bills for the removal of the seat of justice from Crawford, in Russel county, to Girard, reported it inexpedient to legislate further on the subject. The same was concurred in.

Mr. Storrs, from the committee on Corporations, reported amendments to the bill to incorporate the Gadsden Insurance company; which were adopted, and the bill ordered to be engrossed.

Mr. Storrs, from the same committee, to whom was referred the following bills:

To incorporate the Ft. Browder Male Academy, in Barbour county;

To repeal an act to define the limits of the town of Somerville, in Morgan county, and to incorporate the same, approved January 19, 1839, reported the same back without amendment and recommended their passage. The bills were severally read and ordered to be engrossed.

Mr. Storrs, from the same committee, reported favorably on the House bill to repeal an act therein named, relating to the deposit of monies in the Savings Bank of Mobile. The bill was read and ordered to a third reading.

Mr. Storrs, from the same committee, reported back the bill with amendments, to incorporate the Marion Insurance and Trust company, and as amended, recommended its passage. The amendments were adopted, and bill ordered engrossed.

Mr. Mitchell, from the committee on Roads, Bridges, and Ferries, reported favorably on the House bill to amend 1136 of the Code; which was concurred in and the bill ordered to a third reading.

Mr. Carter, from the committee on Education, reported adversely to the bill to repeal the eighth section of the second article of an act to render more efficient the system of free public

schools in the State of Alabama, approved February 14, 1856, and for other purposes therein specified; the report was concurred in.

Mr. Rather, from the committee on Internal Improvements, reported favorably on the bill to regulate and define the liabilities and duties of railroad companies in this State; the same was concurred in and bill ordered engrossed.

Mr. Jemison, from the committee on Finance and Taxation, reported adversely to the House bill to consolidate the offices of tax assessors and tax collectors in each of the counties of Dale, Marion, and Blount; the said report was concurred in.

Mr. Jemison, from the same committee, reported inexpedient to legislate on the subject of revising the revenue laws and adopting the rate of taxation on real and personal property to the *ad valorem* principle, with the privilege of discriminating in the taxation of the property of corporations; the report was laid on the table.

Mr. Jemison, from the same committee, reported a substitute for the relief of the Missionary Society of the Cumberland Presbyterian church, at Elyton; the substitute was adopted, and report and bill were laid on the table.

Mr. Felder, from the committee to which was referred the petition of sundry citizens of Montgomery county, asking for an increase of pay to witnesses in such county, reported it inexpedient to legislate further, as the Senate had passed a general law authorizing the commissioners' court of each county to regulate the pay of jurors and to pay witnesses in each county; the report was concurred in.

Mr. Rather, from the committee on Internal Improvements, to whom was referred joint resolutions declining to accept a certain portion of the grant and carry into execution the trust conferred upon the State of Alabama, by an act of Congress entitled, an act granting public lands, in alternate sections, to the State of Alabama, to aid in the construction of certain railroads in said State, approved June 3, 1856, reported it back without amendment and recommended its passage; the bill was ordered to a third reading.

Mr. Bullock, from the Judiciary committee, reported favorably on the bill to regulate the chancery courts of the counties of Franklin and Lauderdale; the report was concurred in, the bill read a third time, under a suspension of the rule, and passed.

Mr. Patton, from the committee on Finance and Taxation, reported adversely to the resolutions in relation to the expediency of extending the period allowed for the payment of taxes, re-

ported that a bill had passed the Senate, and asked to be discharged from the further consideration.

Mr. Felder, from the Judiciary committee, reported adversely to the bill for the relief of Eliza J. Hornbuckle; which was concurred in.

Mr. Agee, from the Judiciary committee, reported that the legislature has no power to extend the relief sought for in the bill for the relief of Lewis B. Carton; the report was concurred in.

Mr. Agee, from the same committee, reported favorably on the bill to lay off the counties into commissioner's districts; the report was concurred in and the bill ordered to be engrossed.

Mr. Felder, from the Judiciary committee, reported favorably on the bill to amend section 1065 of the Code of Alabama; the report was concurred in and the bill ordered to a third reading.

Mr. Bullock, from the Judiciary committee, reported a substitute for the bill to extend the right of trial by jury before justices; which was adopted.

Mr. Griffin offered the following amendment, which was adopted:

*Provided*, That whenever an appeal shall be taken to a jury under the provisions of this act, their verdict shall be final, and no further appeal shall be allowed.

And the bill, as amended, was read the third time and passed.

Mr. Rayburn, from the committee on Accounts and Claims, reported favorably on the bill for the relief of Nicholas Hudson, jailor of Blount county; the report was concurred in, and the bill ordered to a third reading.

Mr. McSpadden, from the committee on Enrolled Bills, reported as correctly enrolled "the bill to be entitled an act to give the commissioners court of Perry county authority to relieve James Didlake."

Mr. Bullock, from the committee on the Judiciary, reported favorably on the bill to exempt certain property from levy and sale for the use of families; the report was read, and the consideration of the same with the bill, was postponed until 12th January next, at 11 o'clock, and be made the special order.

Mr. Bullock, from the same committee, reported adversely to the bill to repeal section 2510 of the Code of Alabama. The said report was concurred in.

Mr. Bullock, from the same committee, reported favorably on the House bill "to amend the insolvent debtors' law." The bill was ordered to a third reading on to-morrow.

Mr. Bullock, from the same committee, reported adversely to the "bill to define the duties of justices of the peace, and con-

stables in the county of Coffee." The report was concurred in.

Mr. Bullock, from the same committee, reported favorably on the bill to amend sections 2471 and 2472 of the Code. The report was concurred in, and the bill ordered to be engrossed.

Mr. Bullock, from the same committee, reported adversely to the bill to prevent the levy of an execution on growing crops, which was read, and the report and bill laid on the table.

Mr. Bullock, from the same committee, reported favorably on the bill for the relief of certain persons therein named. Concurred in, and bill ordered engrossed; also, the bill relating to Building and Loan Associations, was reported favorably on. The report concurred in, and bill ordered engrossed.

Mr. Bullock, from the same committee, reported adversely to the bill concerning registers in chancery, which was concurred in, and bill lost.

Mr. Bullock, from the same committee, reported favorably on the bill to repeal certain acts therein named. The report was concurred in, and bill ordered to be engrossed.

Mr. Bullock, from the same committee, reported favorably on the bill to authorize the people of Pike county to elect the county surveyor of said county. The report was concurred in, and bill ordered to a third reading.

Mr. Bullock, from the same committee, reported favorably on the bill to amend the law in regard to bail in civil actions. The report was concurred in, and bill ordered to a third reading.

Mr. Bullock, from the same committee, reported adversely to the bill to enable courts of chancery, to order executions in decrees for the sale of mortgaged land or other property. The report was concurred in.

Mr. Mitchell, from the committee on Roads, Bridges and Ferries, reported favorably on the bill to amend section 1159 of the Code. The report and bill were laid on the table, and afterwards taken up, and the Senate refused to order the bill to be engrossed. Yeas 11; nays 17.

Yeas—Messrs. Bynum, Deas, Griffin, Heflin, Hill, Jones of Greene, Lindsay, McKinne, Mitchell, Rayburn and Thaxton.

Nays—Messrs. President, Abernathy, Agee, Austin, Bullock, Burnett, Carter, Clitherall, Cocke, Felder, Fleming, Horn, Jemison, McSpadden, Patton and Rather.

And the Senate adjourned until 3 o'clock, P. M.

## AFTERNOON SESSION.

The Senate met pursuant to adjournment.

Mr. Felder reported adversely on the bill to amend the attachment laws of this State; and, also,

On the bill to extend the provisions of an act therein specified. The reports were concurred in.

Mr. Storrs, from the committee on Corporations, reported favorably on the bill to incorporate the Shelby County Iron Manufacturing company, and recommended its passage.

Mr. Lindsay moved to strike out the 8th section of the bill.

Mr. Clitherall moved to lay the amendment on the table; which was carried. Yeas 15, nays 9.

Yeas—Messrs. President, Abernathy, Agee, Austin, Carter, Clitherall, Cocke, Deas, Heflin, Hill, McKinne, Mitchell, Patton, Rayburn and Storrs.

Nays—Messrs. Bullock, Burnett, Bynum, Felder, Jones of Greene, Lindsay, Rather, Thaxton and Thompson.

Mr. Lindsay moved to strike out "three miles" and insert "half a mile;" which was lost. Yeas, 14, nays 10.

Yeas—Messrs. President, Abernathy, Austin, Burnett, Carter, Clitherall, Cocke, Deas, Hill, McKinne, Mitchell, Patton, Rayburn and Storrs.

Nays—Messrs. Agee, Bullock, Bynum, Felder, Heflin, Jones of Greene, Lindsay, Rather, Thaxton and Thompson.

Mr. Clitherall moved the previous question; which was sustained, and the bill ordered to be engrossed.

Mr. Agee, from the committee on Education, to whom was referred the resolution instructing said committee to enquire into the expediency of so amending the school law as to allow compensation to the trustees of each township, &c., reported it inexpedient to legislate upon the subject. The report was concurred in.

The Senate proceeded to the consideration of the special order, the bill in regard to annual sessions.

Mr. Clitherall moved to suspend this special order, and the bill to charter a bank being also a special order; which was carried. Yeas 20, nays 4.

Yeas—Messrs. President, Abernathy, Bullock, Burnett, Bynum, Carter, Clitherall, Cocke, Deas, Felder, Heflin, Hill, McKinne, McSpadden, Mitchell, Patton, Rather, Rayburn, Storrs and Thaxton.

Nays—Messrs. Agee, Jones of Greene, Lindsay, Thompson.

Message from the Governor, informing the Senate that he had approved and signed,

A bill to give the commissioners' court of Perry county, authority to relieve James Didlake.

The Senate resumed the consideration of the bill to legalize the suspension of the Commercial Bank, and Central Bank of Alabama.

Mr. Patton moved to amend by striking out "November" and inserting "December"; which was carried.

Yeas 16, nays 12.

Yeas—Messrs. Abernathy, Austin, Bullock, Burnett, Bynum, Carter, Clitherall, Cocke, Felder, Heflin, Jemison, Lindsay, Mitchell, Patton, Rather and Storrs—16.

Nays—Messrs. President, Agee, Deas, Fleming, Griffin, Hill, Jones of Greene, McKinne, McSpadden, Rayburn, Thaxton and Thompson—12.

Mr. Agee moved to amend as follows:

*Provided*, That nothing herein contained shall deprive the holders of the bills of said Central and Commercial Banks of their right to recover the interest provided for in their charters, for non-payment of their bills, nor the treasurer of the State, from presenting for specie payment all the notes of said Banks in the treasury, and if not paid, to have them protested.

Mr. Jemison moved to lay the amendment on the table; which was carried.

Mr. Jemison moved to amend as follows:

*Be it further enacted*, That nothing in this act contained shall be so construed as to relieve either of said Banks from protest of their notes or bills, or payment of the 12 per cent. interest as provided by their respective charters for non-payment of their notes, except so far as their bills or notes in the treasury of the State of Alabama; which was adopted.

Mr. McSpadden moved to amend as follows:

*Provided*, That said Banks shall pay all cost and expense which has accrued from any action in the courts of the State, in relation to their suspensions; which was adopted.

This vote was re-considered and the amendment rejected.

Mr. Calhoun moved to amend as follows:

"And that after the 1st of January, 1859, they shall not issue bills of a less denomination than ten dollars"; which was adopted.

Yeas 15, nays 12.

Yeas—Messrs. President, Austin, Bullock, Burnett, Bynum, Clitherall, Deas, Felder, Heflin, Hill, Jemison, Jones of Greene, Lindsay, Patton and Rather—15.

Nays—Messrs. Abernathy, Carter, Cocke, Fleming, Griffin,

McKinne, McSpadden, Mitchell, Rayburn, Storrs, Thaxton and Thompson—12.

The Senate then adjourned until to-morrow morning, 10 o'clock.

DECEMBER 17, 1857.

The Senate met pursuant to adjournment.

Ordered that leave of absence be granted to Mr. Horn.

Mr. Bullock introduced a bill to regulate the time of holding the chancery courts for Barbour and Sumter counties; which was read the first, second and third times, under a suspension of the rule, and passed.

The bill to change the time of holding the circuit courts in the fourth judicial circuit of the State of Alabama.

The bill was read the third time and passed.

Mr. Lindsay offered the following resolution:

*Resolved*, That in view of the monetary pressure, now everywhere prevailing throughout the country, the Judiciary committee be instructed to enquire into the expediency of suspending for one year, the operation of section 2257 of the Code of Alabama, and of re-enacting for the same period the provisions of Clay's Digest, pertaining to the subject of said section of the Code.

Mr. Clitherall moved to lay the resolution on the table; which was lost.

Yeas 13, nays 16.

Yeas—Messrs. President, Abernathy, Agee, Austin, Burnett, Bynum, Clitherall, Deas, Hill, Jemison, Jones of Greene, McSpadden and Mitchell—13.

Nays—Messrs. Bullock, Carter, Crawford, Felder, Fleming, Griffin, Heflin, Lindsay, McKinne, Patton, Rather, Rayburn, Rowe, Storrs, Thaxton and Thompson--16.

The resolution was adopted.

Mr. Rayburn introduced a bill to incorporate the South and North Alabama Railroad company.

Mr. Bynum introduced a bill for the relief of Sarah L. Owens, of Montgomery county; which were severally read the first time and ordered to a second reading.

Mr. Jemison, from the committee on Finance and Taxation, reported the bill making appropriations for the fiscal year of 1858 and '59, with an amendment proposing to strike out "seven," before dollars, and inserting "five."

The amendment was concurred in.

Mr. Clitherall moved to amend as follows:

"That the secretary and assistant secretary, and the principal clerk and assistant and engrossing clerks of the two houses, and

the doorkeepers of each House, shall receive their regular pay during the recess of the general assembly; which was adopted.

Mr. Clitherall moved to amend by adding, "and also \$2,000 per annum for the pay of the superintendent of education;" which was adopted.

The bill was read the third time and passed.

The bill in regard to annual sessions, and the bill to incorporate the bank, were postponed until the 12th day of January next, and made special orders for 11 o'clock, of that day.

The Senate resumed the consideration of the bill to legalize the suspension of the Commercial Bank, and the Central Bank of Alabama.

Mr. Rather moved to reconsider the vote adopting the amendment prohibiting the banks from issuing bills under the denomination of \$10.

The vote was reconsidered.

Mr. Rather moved to lay the amendment on the table; which was carried.

Yeas 21, nays 9.

Yeas—Messrs. Abernathy, Austin, Bullock, Bynum, Carter, Clitherall, Cocke, Crawford, Felder, Fleming, Griffin, Heflin, Jemison, Lindsay, McKinne, McSpadden, Mitchell, Rather, Rayburn and Storrs—21.

Nays—Messrs. President, Agee, Burnett, Deas, Hill, Jones of Greene, Rowe, Thaxton and Thompson—9.

Mr. Storrs offered the following amendment:

[This amendment was not enrolled on the original journal—  
STATE PRINTER.]

Mr. McSpadden moved to strike out 1859, and insert "1860"; which was lost.

Yeas 7, nays 23.

Yeas—Messrs. President, Agee, Bynum, Deas, Jones of Greene, Thaxton and Thompson—7.

Nays—Messrs. Abernathy, Austin, Bullock, Burnett, Carter, Clitherall, Cocke, Crawford, Felder, Fleming, Griffin, Heflin, Hill, Jemison, Lindsay, McKinne, McSpadden, Mitchell, Patton, Rather, Rayburn, Rowe and Storrs—23.

Mr. Rather moved to amend as follows:

[This amendment was not enrolled on the original journal—  
STATE PRINTER.]

The amendment as amended was adopted.

Mr. McSpadden moved to amend by striking out the words "such other counsel"; which was adopted.

Mr. Mitchell moved to amend as follows:

"That the Central Bank of Alabama, and the Commercial



Bank of Alabama, nor either of them shall at any time hereafter, until they resume specie payments, charge or receive more than  $\frac{1}{2}$  of 1 per cent. for exchange on Mobile, nor more than  $\frac{3}{4}$  of 1 per cent. for exchange on New Orleans, nor more than  $\frac{1}{2}$  of 1 per cent. for exchange on Charleston, S. C., or Savannah, Ga., nor more than 1 per cent. for exchange on New York, Philadelphia, or Boston, nor beyond the relative rates above specified for exchange upon other points within the United States.

Mr. Lindsay moved to strike out the words "and if withdrawn shall immediately proceed to replace the deficiency," in section 7.

Mr. Bynum moved to lay the amendment on the table; which was carried.

Yeas 17, nays 13.

Yeas—Messrs. Austin, Bullock, Burnett, Bynum, Carter, Clitherall, Cocke, Deas, Felder, Griffin, Jemison, McSpadden, Mitchell, Patton, Rather, Rowe and Storrs—17.

Nays—Messrs. President, Abernathy, Agee, Crawford, Fleming, Heflin, Hill, Jones of Greene, Lindsay, McKinne, Rayburn, Thaxton and Thompson—13.

Mr. Agee moved to amend as follows:

In fifth line, section 7, after the word "circulation," insert "and money due depositors."

Mr. Jemison moved to lay the amendment on the table; which was carried.

Yeas 23, nays 7.

Yeas—Messrs. Abernathy, Austin, Bullock, Burnett, Bynum, Carter, Clitherall, Cocke, Crawford, Deas, Felder, Fleming, Heflin, Hill, Jemison, Lindsay, McKinne, McSpadden, Mitchell, Patton, Rather, Rowe and Storrs—23.

Nays—Messrs. President, Agee, Griffin, Jones of Greene, Rayburn, Thaxton and Thompson—7.

Mr. President moved to amend as follows:

SECTION 11. *Be it further enacted*, That after the resumption of specie payments by said Central and Commercial Banks, each of them shall be required to redeem its bills in the treasury of the State within ten days after receiving from the treasurer notice of the amount of its bills in the treasury, the specie for said bills to be placed by said Banks in the treasury, and in default of the redemption of its bills, said Banks shall be considered subject to, and be required to pay interest thereon at the rate of 12 per cent. per annum, until the said bills shall be redeemed; and it is hereby made the duty of the treasurer to give notice to either of said Banks of the amount of its bills in the treasury, and that the specie therefor is demanded, and he shall at no time permit more than twenty thousand dollars of the bills of either

of said Banks to be in the treasury, without giving such notice and making such demand.

Mr. Jemison moved to lay the amendment on the table; which was lost.

Yeas 14, nays 15.

Yeas—Messrs. Abernathy, Austin, Bullock; Bynum, Carter, Cocke, Deas, Felder, Jemison, McSpadden, Mitchell, Patton, Rowe and Storrs—14.

Nays—Messrs. President, Agee, Burnett, Clitherall, Fleming, Griffin, Heflin, Hill, Jones of Greene, Lindsay, McKinne, Rather, Rayburn, Thaxton and Thompson—15.

Mr. Cocke moved to amend the amendment, as follows:

*Provided*, That the provisions of this section shall apply to all the banks in this State, the bills of which, are now received in payment of taxes; which was lost.

The question recurred on the amendment offered by Mr. President.

The Senate refused to adopt the amendment.

Yeas 14, nays 16.

Yeas—Messrs. President, Agee, Clitherall, Fleming, Griffin, Heflin, Hill, Jones of Greene, Lindsay, McKinne, Rather, Rayburn, Thaxton and Thompson—14.

Nays—Messrs. Abernathy, Austin, Bullock, Burnett, Bynum, Carter, Cocke, Crawford, Deas, Felder, Jemison, McSpadden, Mitchell, Patton, Rowe and Storrs—16.

Mr. Rather offered the following amendment, which was adopted.

[This amendment was not on the original journal.—STATE PRINTER.]

Mr. Clitherall moved to suspend the rule and give the bill its third reading forthwith; which was lost.

Yeas 20, nays 10.

Yeas—Messrs. Abernathy, Austin, Bullock, Bynum, Carter, Clitherall, Cocke, Crawford, Felder, Griffin, Hill, Jemison, Lindsay, McKinne, McSpadden, Mitchell, Patton, Rather, Rowe and Storrs—20.

Nays—Messrs. President, Agee, Burnett, Deas, Fleming, Heflin, Jones of Greene, Rayburn, Thaxton and Thompson—10.

The bill was ordered to be engrossed and made the special order for its third reading on to-morrow at 1-4 past 10 o'clock.

Mr. Mitchell, from the committee on Divorce and Alimony, reported the bill to divorce Elizabeth Elliott from her husband, Robert Elliott, and to divorce other persons therein named, with amendment; which was concurred in.

The bill was read the third time and passed.

Ten minutes to two o'clock, Mr. Bynum moved to adjourn until to-morrow morning, 10 o'clock; which was lost.

Yeas 13, nays 17.

Yeas—Messrs. Agee, Austin, Bynum, Cocke, Griffin, Hefflin, Lindsay, McKinne, Mitchell, Rather, Rayburn, Storrs and Thompson—13.

Nays—Messrs. President, Abernathy, Bullock, Burnett, Carter, Clitherall, Crawford, Deas, Felder, Fleming, Hill, Jemison, Jones of Greene, McSpadden, Patton, Rowe and Thaxton—17.

The bill for the relief of Mrs. Miriam Rattenberry; and,

The bill for the relief of Catherine J. Reid, were severally read the second and third times, and passed.

And the Senate adjourned until to-morrow morning, 10 o'clock.

DECEMBER 18, 1857.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Dorman.

The joint resolutions providing for the illumination of the Capitol, on the 8th of January, were read the third time and passed.

Mr. Clitherall introduced a bill to pay Given & Elsberry for the rent of a room for an arsenal; which was read the first, second and third times, and passed.

The bill to legalize the suspension of the Commercial Bank and the Central Bank of Alabama, was read the third time and passed.

Yeas 20, nays 8.

Yeas—Messrs. Abernathy, Austin, Bullock, Burnett, Bynum, Carter, Cocke, Crawford, Felder, Griffin, Jemison, Lindsay, McKinne, McSpadden, Mitchell, Patton, Rather, Rayburn, Rowe and Storrs—20.

Nays—Messrs. President, Agee, Clitherall, Deas, Fleming, Hill, Jones of Greene, Thaxton and Thompson—8.

The bill from the House to regulate the time of holding the circuit courts for the 1st judicial circuit, was read the first, second and third times, under a suspension of the rule, and passed.

Mr. Cocke moved to suspend the rules to offer the following resolution:

*Resolved*, That the Senate, with the concurrence of the House of Representatives, rescind the resolution to adjourn on the 19th instant.

The Senate refused to suspend.

The bill from the House to enable the administratrix of John S. Codey, deceased, to remove the administration to Tallapoosa county.

The bill was read the first, second and third times, and passed.

The bill from the House to authorize Richard J. Tarver and others, to establish a ferry across the Alabama river, at Selma, was read the first and second times and referred to the committee on the Judiciary.

The House bills:

To change the time of holding the chancery courts for the 38th and 39th districts, Northern Division of Alabama;

To repeal an act therein named;

For the relief of John D. Price, of Jefferson county;

For the relief of James Scales, Jr.;

To repeal an act to regulate the license of pedlars in Chambers county; were severally read the first time and ordered to a second reading.

Mr. Clitherall moved to suspend the rules in order to offer the following resolution:

*Resolved*, That with the concurrence of the House of Representatives, the resolution by which the two Houses resolved to adjourn on the 19th instant, and re-assemble on the 8th day of January next, is hereby rescinded; which was lost.

A message from the House, by Mr. Hames, informing the Senate that the House had passed a bill to legalize the suspension of the Commercial Bank and the Central Bank of Alabama.

The Senate proceeded to consider the bill.

The bill was read the first time, and the rule was suspended, and the bill read a second time forthwith.

Yeas 25, nays 4.

Yeas—Messrs. Abernathy, Austin, Bullock, Burnett, Bynum, Carter, Clitherall, Cocke, Crawford, Deas, Felder, Griffin, Heflin, Hill, Jemison, Lindsay, McKinne, McSpadden, Mitchell, Patton, Rather, Rayburn, Rowe, Storrs and Thaxton—25.

Nays—Messrs. President, Fleming, Jones of Greene, and Thompson—4.

Mr. Lindsay moved to amend by striking out the 12th section of the bill; which was lost.

Yeas 7, nays 22.

Yeas—Messrs. President, Agee, Clitherall, Fleming, Jones of Greene, Lindsay and Thompson—7.

Nays—Messrs. Abernathy, Austin, Bullock, Burnett, Bynum, Carter, Cocke, Crawford, Deas, Felder, Griffin, Heflin, Hill, Jemison, McSpadden, Mitchell, Patton, Rather, Rayburn, Rowe, Storrs and Thaxton—22.

Mr. Jones, of Greene, moved to amend as follows:

*Be it further enacted*, That the said Central Bank of Alabama and Commercial Bank of Alabama, respectively, shall each be

repaired to receive their own notes in payment of any note, draft, or bill of exchange, held by such Bank or its agent, at the place where the same may be made payable in this State.

Mr. Lindsay moved to amend the amendment as follows:

*Provided*, That the provisions of this section shall only apply to said Banks during the period said Banks may suspend specie payments.

Mr. Jemison moved to lay the amendment and the amendment to the amendment, on the table; which was carried.

Mr. Burnett moved to suspend the rules, and give the bill its third reading forthwith; which was carried.

Yeas 24, nays 5.

Yeas—Messrs. Abernathy, Austin, Bullock, Burnett, Bynum, Carter, Clitherall, Cocke, Crawford, Deas, Felder, Heflin, Hill, Jemison, Lindsay, McKinne, McSpadden, Mitchell, Patton, Rather, Rayburn, Rowe, Storrs and Thaxton—24.

Nays—Messrs. President, Agee, Fleming, Jones of Greene, and Thompson—5.

The bill was read the third time and passed.

Yeas 20, nays 8.

Yeas—Messrs. Abernathy, Austin, Bullock, Burnett, Bynum, Carter, Cocke, Crawford, Deas, Felder, Griffin, Heflin, Hill, Jemison, McKinne, McSpadden, Mitchell, Patton, Rather, Rayburn, Rowe and Storrs—20.

Nays—Messrs. President, Agee, Fleming, Clitherall, Jones of Greene, Lindsay, Thaxton and Thompson—8.

Mr. Hill reported favorably on the bill for the relief of William Brasseal, of Blount county.

The bill was read the first, second and third times, under a suspension of the rules, and passed.

Mr. Bullock introduced a bill to provide for the distribution of copies of Alabama Reports, to registers in chancery; which was read the first time and ordered to a second reading.

Mr. Bullock, from the committee on the Judiciary, reported favorably on the bill for the relief of Wm. T. Webb and his securities.

The bill was read the third time and passed.

The bill for the relief of J. W. Mallett, was read the third time and passed; also,

The bill for the relief of Richard Hudson, of Jefferson county.

Mr. Bullock reported favorably on the bill for the relief of Hart McCall and his securities, of Barbour county.

The bill was read the third time and passed.

Mr. Cocke offered the following resolution:

*Resolved*, That the Senate will not act upon any bill or reso-

lution, which is to operate as a general law, until after the 7th day of January next; which lies over one day.

The bill for the relief of John A. Elmore and M. A. Baldwin, for services rendered the State, was read the third time and passed.

Yeas 19, nays 7.

Yeas—Messrs. President, Agee, Austin, Bullock, Burnett, Clitherall, Crawford, Felder, Fleming, Heflin, Hill, Jemison, Jones of Greene, Lindsay, McKinne, McSpadden, Patton, Rather and Storrs—19.

Nays—Messrs. Abernathy, Cocke, Deas, Griffin, Rayburn, Rowe and Thaxton—7.

The bill to authorize the Mobile Marine Railway and Insurance company to consolidate their capital stock, was read the first, second and third times, under a suspension of the rules, and passed.

Mr. McSpadden, from the committee on Enrolled Bills, reported as correctly enrolled:

An act to pay Given & Elsberry for the rent of a room for an arsenal.

And the Senate adjourned until to-morrow morning, 10 o'clock.

DECEMBER 19, 1857.

The Senate met pursuant to adjournment.

A call of roll being ordered, the following members were found to be present, to wit:

Messrs. President, Abernathy, Bullock, Burnett, Carter, Clitherall, Crawford, Felder, Heflin, Mitchell, Rowe, Thaxton and Storrs—No quorum.

Mr. McSpadden reported as correctly enrolled:

An act to legalize the suspension of the Central Bank and the Commercial Bank of Alabama; also,

An act to incorporate the city of Eufaula.

And the Senate adjourned until 11 o'clock on the 8th of January, 1858.

FRIDAY, January 8, 1858.

The Senate met pursuant to adjournment.

A call of the roll being ordered, and a quorum being present, the Senate proceeded to business.

Mr. Deas introduced a bill to authorize Robert T. Dade to transfer certain slaves to Henry Mitchell, a minor; and also, a petition on the same subject.

The bill was read the first time and ordered to a second reading.

Mr. Griffin presented the petition of sundry citizens of Russell

county, in regard to the erection of a bridge across the Chattahoochee river; which was referred to the committee on the Judiciary.

The House bill to amend the charter of the town of Cahaba, and for other purposes, was read the second time.

Mr. Rather in the chair, Mr. President moved to amend as follows:

*Provided*, The said town council shall first procure the assent of a majority of the legal voters of said town, to such subscription, sale of the said town commons, and the said application of the proceeds of such sale, by submitting these questions to the said voters, at an election to be held for this purpose at such time as may be designated by said town council, and to be managed in such manner as it may direct.

The amendment was adopted, and the bill read the third time and passed.

Mr. Crawford introduced a bill amendatory of the several plank road charters herein designated; which was read and ordered to a second reading.

Mr. Rowe introduced a bill to amend section 97 of the Code of Alabama; which was read and ordered to a second reading.

Mr. Clitherall introduced a bill for the relief of the administrators of Richard Long, late of Pickens county, deceased; which was read the first, second and third times, under a suspension of the rule, and passed.

Mr. Clitherall also introduced a bill to incorporate certain persons under the name and style of the Alabama Slack Water Navigation company; which was read the first and second times, rule suspended, and referred to the committee on Internal Improvements.

Mr. Lindsay introduced joint resolutions in relation to the capture of Gen. Wm. Walker, by Commodore Paulding; which were read the first and second times, rules suspended, and referred to the committee on Federal Relations, with instructions to report at an early day.

Mr. Rayburn introduced a bill to authorize the judge of probate for Marshall county, to decree a division of certain property.

Mr. Patton introduced a bill to amend sections 3409 and 3410 of the Code of Alabama; which were severally read the first and second times, rules suspended, and referred to the committee on the Judiciary.

The hour of 11 having arrived, the Senate resumed the consideration of the special order for that hour: The bill for the relief of John E. Cray of Butler county.

Mr. Clitherall offered the following amendment: After "But-

ler," in the 7th line, add, "who was convicted of larceny and has served out his time of imprisonment in the penitentiary;" and after the word in the 8th line, add, "pardoned and."

Mr. Burnett moved to lay the amendments on the table; which was carried.

The bill was then ordered to be engrossed.

Yeas 11, nays 10.

Yeas—Messrs. Austin, Bullock, Burnett, Crawford, Deas, Griffin, Horn, Lindsay, McKinne, Mitchell and Rayburn—11.

Nays—Messrs. President, Agee, Clitherall, Felder, Heflin, McSpadden, Patton, Rather, Rowe and Thaxton—10.

Message from the House, by Mr. Hames:

Mr. President: The House of Representatives has originated and passed bill of the following title:

To accept of the grant of lands conferred on the State of Alabama, by an act of Congress, &c., granting public lands in alternate sections to the State of Alabama, to aid in the construction of certain railroads.

Has also passed the following Senate bills:

For the relief of Matilda Street, and for other purposes;

For the relief of C. T. Pollard, and others;

To incorporate the Society Hill High School;

To regulate the endorsement of the bonds of the Alabama & Florida Railroad company by the Montgomery & West Point Railroad company;

To authorize L. V. Underwood to hire out the slaves of his wards in certain counties in Mississippi;

Joint resolutions to illuminate the Capitol on the 8th January, 1858;

To accept a grant of lands to the State of Alabama, and to carry into execution the trust conferred in the State of Alabama by an act of Congress "granting public lands to aid in the construction of railroads;"

To pay Given & Elsberry for the rent of a room for arsenal.

The bill from the House, first stated in the Message, was read the first time and ordered to a second reading.

The House bills:

For the relief of Wm. J. Mims, administrator, and George W. Zeigler, of Autauga county;

To amend section 2175 of the Code;

To amend section 3500 of the Code;

For the benefit of the circuit clerk of Cherokee county;

To authorize justices of the peace to apportion hands on the



roads in Pickens county, were severally read the second time, and referred to the committee on the Judiciary.

The House bill authorizing the qualified voters of Conecuh county to elect a tax assessor for the term of two years, was read the second time and referred to the committee on Finance and Taxation ;

The House bill to regulate the pay of jurors in Coffee county, was read the second time, and laid on the table.

The House bill to repeal an act therein named, approved January 18th, 1845, was read the second and third times, rules suspended, and passed.

Joint resolutions from the House, changing the Seal of the State, were read the second time, and postponed until Wednesday next.

And the Senate adjourned until to-morrow morning at 10 o'clock.

SATURDAY, January 9, 1858.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Shaver.

Mr. Deas, presented the counter petition of sundry citizens of Mobile in regard to the appointment of an Harbor Master for the lower bay, and change on the tonnage of ships, which was referred to the committee on the Judiciary.

Mr. Felder introduced a bill to prevent the retail of spirituous liquors within two miles of the Baptist church, near Pine Level, in Montgomery county; and, also,

A bill for the relief of Wm. D. Sankey; which were read and ordered to a second reading.

Mr. Jones, of Greene, introduced a bill for the relief of the minor heirs of John E. Lipscomb, deceased.

Mr. Rowe introduced a bill to authorize the administrator of the estate of Wm. Towns to sell and convey real estate. Severally read, rule suspended, and referred to the committee on the Judiciary.

Mr. Abernathy presented the account and petition of Henry T. Snow, of Benton county; which was referred to committee on Accounts.

The bill to authorize Robert T. Dade to transfer certain slaves to Henry C. Mitchell, a minor, was read the second and third times, and passed.

Mr. McSpadden presented the account of A. Poor; referred to the committee on Accounts.

Mr. Austin introduced a bill to legalize the sale of section 16, township 3, range east, in Jackson county, which was read and ordered to a second reading.

Mr. Clitherall reported adversely on the bill to repeal certain sections of the Code therein named.

Mr. Rowe moved to lay the report on the table, which was lost. Yeas 21, nays 6.

Yeas—Messrs. Burnett, Clitherall, Heflin, Hill, McSpadden and Rowe.

Nays—Messrs. President, Abernathy, Agee, Austin, Bullock, Barnett, Bynum, Cocke, Crawford, Deas, Felder, Fleming, Griffin, Horn, Jones of Greene, Lindsay, McKinne, Mitchell, Patton, Rather, Rayburn and Thaxton.

The report was concurred in.

Mr. McSpadden reported as correctly enrolled :

1st. Joint resolutions to illuminate the Capitol on the 8th January, 1858 ;

2d. An act to incorporate the Society Hill High School ;

3d. An act to regulate the endorsement of the bonds of the Alabama and Florida Railroad company by the Montgomery & West Point Railroad company ;

4th. An act to authorise L. V. Underwood to hire out the slaves of his wards in certain counties in Mississippi ;

5th. An act for the relief of Matilda Street, and for other purposes ;

6th. An act for the relief of C. T. Pollard, and others.

Mr. Cocke, from the committee on Accounts, reported favorably on the bill for the relief of Wm. P. Ashley. The bill was read the third time and passed.

Mr. Rowe, from the committee on Education, reported adversely on the bill and petition for the benefit of the patrons of township schools in Russell county. The report was concurred in.

Mr. Rather reported the bill to appropriate a part of the two per cent. fund, with an amendment ; ordered that the bill and amendment be made the special order for Tuesday next, the 12th instant, at 11 o'clock.

Mr. Austin, from the committee on Accounts, reported favorably on the bill for the relief George Powell, of Blount county. The bill was ordered to a third reading.

Mr. Bullock reported favorably on the bill to provide for more conveniently proving accounts in certain cases. The bill was ordered to be engrossed.

Mr. Bullock reported it inexpedient to pass the bill to repeal an act therein named, as the object of the bill was included in a bill which has passed the Senate. The report and bill were laid on the table.

Mr. Bullock, from the committee on the Judiciary, reported that it was inexpedient to pass the bill to regulate the pay of

jurors in Montgomery county, as the object was attained by a general bill already reported. The report and bill were laid on the table.

Mr. Felder reported favorably on the bill to authorize the administrator of Richard Martin, deceased, late of Autauga county, to sell the negro property belonging to said estate. The bill was read the second and third times, and passed.

Mr. Austin reported favorably on the bill for the relief of certain persons therein named.

Mr. Clitherall moved to amend by adding "also eight dollars to pay Smith & Hughes for printing hand-bills, &c.," which was adopted. The bill was re-committed to the committee on Accounts.

Mr. Jones, of Greene, from the committee on Federal Relations reported Joint Resolutions in regard to the cession of West Florida, which were read the first time, and ordered to a second reading.

Mr. Bullock introduced a bill to reduce the expense of appeals to the supreme court in certain cases; which was read the first and second times, and referred to the committee on the Judiciary.

Mr. Felder introduced a bill to declare Frederika Ludicus, which was ordered to a second reading.

Mr. Felder also introduced a bill to relieve executors, in certain cases, from making annual settlements in the probate court; which was read first and second times, and referred to committee on the Judiciary.

The engrossed bills:

To accept the grant of land by Congress to the Coosa and Chattooga Railroad;

To regulate the tax fees of jurors in the county of Coffee;

To provide for the pay of commissioners of roads and revenue in Coffee county;

To authorize the several courts of county commissioners to regulate the pay of jurors were severally read the third time, and passed. This last bill having been amended, on motion of Mr. Clitherall, as follows: And the said courts of county commissioners may also regulate the pay of witnesses in the several courts resident in their respective counties, and from time to time alter such pay, and witnesses residing in other counties who attend under subpoena, the courts of any county, other than that of their residence, shall receive the pay now allowed by law.

The House bill to change the times of holding the circuit courts of the counties of Blount, Walker, Marion and Fayette

was read the first and second and third times, the rule being suspended, and passed.

Message from the House, informing the Senate that the House had passed the following bills, which the Senate proceeded to consider :

The following bills were severally read and ordered to a second reading :

A bill to authorize justices of the peace to appoint overseers of roads in the county of Marion :

To incorporate the Lawrenceville Male and Female Academy, in Henry county ;

To incorporate the Columbus and Tennessee Valley Railroad company ;

To locate the county site of Hancock county ;

The bill to incorporate the North Alabama Agricultural and Mechanical Association ;

The bill to incorporate the Mobile and Ohio Telegraph company ; and,

The bill to amend the charter of the Mobile Steamship company, and the act to provide for the incorporation of Steamship companies, were severally read the first and second times, the rule being suspended, and referred to the committee on Corporations.

The bill to provide for the binding of the manuscript acts of the Legislature ;

The bill to incorporate the Mobile Omnibus Company ;

The bill to establish a medical board in the county of Pike ;

The bill to compel the court of county commissioners of Marshal county to levy a special tax for the purpose of paying the grand and petit jurors ;

The bill to provide for the payment of jurors in Jefferson county ; and,

The bill authorizing the commissioners' court to apply six hundred dollars out of fines and forfeitures to make the office of judge of probate fire proof, were severally read the first time and ordered to a second reading.

The bills from the House :

To amend the road laws in Mobile ; and the bill,

To authorize the voters of Coffee county to elect a tax collector, were severally read the first, second and third times, the rule being suspended, and passed.

The bill from the House :

To render the license laws for retailing spirituous liquors more effectual, was read the first time.

Mr. Clitherall moved to suspend the rule and read the bill the second time forthwith; which was lost.

Yeas 14, nays 11.

Yeas—Messrs. Abernathy, Austin, Burnett, Bynum, Clitherall, Cocke, Deas, Griffin, Hefflin, Horn, Patton, Rayburn, Rowe, and Thaxton—14.

Nays—Messrs. President, Agee, Bullock, Crawford, Felder, Hill, Lindsay, McKinne, McSpadden, Mitchell and Rather—11.

The bill was ordered to a second reading.

The Senate proceeded to the consideration of the orders of the day:

The engrossed bill in relation to taking the depositions of witnesses, was read the third time.

Mr. Clitherall moved to amend by engrossed ryder, as follows:

*“Provided, That this act shall not take effect until the first day of March next;”* which was adopted and the bill passed.

The bill from the House:

To lay off the county of Hancock into commissioners' districts, was read and laid on the table.

A message from the Governor, by Mr. Phelan, his private secretary, as follows:

Mr. President: His excellency, the Governor, has approved of bills, which originated in the Senate, of the following titles:

An act to pay Given & Elsberry, for the rent of a room for an arsenal;

An act to incorporate the city of Eufaula;

An act to incorporate the Alabama Central Female College in the city of Tuscaloosa;

An act to accept a grant of lands to the State of Alabama, and to carry into execution the trust conferred upon the State of Alabama by an act of Congress, entitled “an act granting public lands in alternate sections to the States of Florida and Alabama, to aid in the construction of certain railroads in said States,” approved May 17th, 1856.

The engrossed bill for the relief of Benj. B. Avery, of Chambers county, was read the third time.

Mr. Rowe moved to amend by engrossed ryder, as follows:

*And be it further enacted, That all persons who have paid double taxes, under the requirements of the law, upon making proof of the same, shall be refunded the amount so paid, by warrant on the state treasurer.*

Mr. Bynum moved to lay the amendment on the table; which was carried.

Mr. Clitherall moved to amend as follows:

*Provided, That this act shall not take effect, unless the people*

of Chambers county, shall, at the next general election for Representatives, vote in favor of said act.

The amendment was laid on the table, and the bill passed.

Yeas 21, nays 6.

Yeas—Messrs. Abernathy, Austin, Bullock, Burnett, Bynum, Crawford, Deas, Felder, Fleming, Griffin, Heflin, Hill, Horn, Jones of Greene, Lindsay, McKinne, Mitchell, Patton, Rather, Rayburn and Thaxton—21.

Nays—Messrs. President, Agee, Clitherall, Cocke, McSpadden and Rowe—6.

The engrossed bills;

To change the term of office of apportioners in the counties of Greene and Marengo;

To accept a grant of lands to the State of Alabama, &c.;

To incorporate the Shelby County Iron Manufacturing company, were severally read the third time, and passed.

The joint resolutions proposing to amend article 4, section 23, of the Constitution, so as to elect the comptroller and treasurer biennially, were read the third time.

Mr. Lindsay moved to lay the resolution on the table; which was lost.

The resolutions passed the Senate.

Yeas 25, nays 2.

Yeas—Messrs. President, Abernathy, Agee, Bullock, Burnett, Bynum, Clitherall, Cocke, Crawford, Deas, Fleming, Griffin, Heflin, Hill, Horn, Jones of Greene, McKinne, McSpadden, Mitchell, Patton, Rather, Rayburn, Rowe and Thaxton—25.

Nays—Messrs. Felder and Lindsay—2.

The bill for the relief of certain persons therein named, was read the third time.

Mr. Bullock moved to amend by adding the name of Wm. M. Brooks, of Perry county.

The amendment was adopted and the bill passed.

Yeas 16, nays 11.

Yeas—Messrs. Bullock, Burnett, Bynum, Cocke, Crawford, Deas, Felder, Heflin, Jones of Greene, Lindsay, McKinne, Mitchell, Patton, Rayburn, Rowe and Thaxton—16.

Nays—Messrs. President, Abernathy, Agee, Austin, Clitherall, Fleming, Griffin, Hill, Horn, McSpadden and Rather—11.

And the Senate adjourned until Monday morning, at 10 o'clock.

MONDAY, January 11, 1858.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Hill.

Mr. Agee introduced a bill to transfer certain property to the University of Alabama.

Mr. Rowe introduced a bill to reduce the tax on certain property therein specified.

Mr. Heflin introduced a bill to change the third and seventh Congressional district of the State of Alabama.

Mr. Clitherall introduced a bill supplemental to an act incorporating the Society Hill High School; and also,

A bill to repeal section 15, of an act to legalize the suspension of the Central and Commercial Banks of Alabama; which were severally read the first time, and ordered to a second reading.

Mr. Burnett introduced a bill concerning life insurance; which was read.

Mr. Burnett moved to suspend the rule and read the bill a second time; which was lost.

Yeas 19, nays 10.

Yeas—Messrs. Bullock, Burnett, Bynum, Clitherall, Cocke, Crawford, Deas, Felder, Heflin, Hill, Jones of Fayette, McKinne, McSpadden, Mitchell, Patton, Rather, Rayburn, Rowe and Storrs—19.

Nays—Messrs. President, Abernathy, Austin, Carter, Fleming, Griffin, Jones of Greene, Lindsay, Thaxton and Thompson—10.

Mr. McSpadden reported as correctly enrolled:

An act to authorize the successors of sheriffs to make conveyances in certain cases.

Mr. Jones of Fayette, presented the account of Wm. M. Greene; which was referred to the committee on Accounts.

Mr. Bynum introduced a bill, to authorize the judge of the probate court of Lawrence county, to appoint Wm. S. Puryear administrator of the estate of Wm. Puryear, late of said county, deceased; which was read the first and second times, rule suspended, and referred to the committee on the Judiciary.

Mr. Thaxton introduced a bill to give the probate court of St. Clair county jurisdiction over the estate of John Dallas, late of Tuscaloosa county, deceased; which was read the first, second and third times, the rule being suspended, and passed.

Mr. Austin introduced a bill to incorporate the North Alabama Mining and Manufacturing company; which was read the first time and ordered to a second reading; also,

A bill for the relief of J. J. Sublett, jailor of Jackson county. Read, and ordered to a second reading.

Mr. Clitherall, from the committee on 16th Sections, reported

a substitute for the bill to revive and extend an act approved February 18, 1854, to provide for the extension of the debts due 16th sections.

The substitute was adopted.

Mr. Clitherall moved to amend as follows:

*Provided*, That the makers of 16th section notes, desiring to extend the same, shall pay  $12\frac{1}{2}$  per cent. interest, and the courts shall enforce said rate.

The amendment was laid on the table.

Mr. Cocke moved to amend as follows:

*Provided*, That the makers of 16th section notes, desiring to extend the same, shall pay interest at the rate of 8 per cent. per annum.

The amendment was adopted, and the bill ordered to be engrossed.

Mr. President laid before the Senate a communication from John Whiting, in regard to the arrangements made by him for the payment of the State bonds due first of January next.

Ordered that the communication be referred to the select committee on the subject.

Message from the Governor, by Mr. Phelan:

Mr. President: His excellency, the Governor has approved of bills, and a joint resolution, which originated in the Senate, of the following titles:

An act for the relief of Matilda Street, and for other purposes;

An act for the relief of C. T. Pollard, and others:

An act to authorize L. V. Underwood to hire out the slaves of his wards in certain counties in Mississippi:

An act to regulate the endorsment of the bonds of the Alabama and Florida Railroad company by the Montgomery and West Point Railroad company;

Joint resolution to illuminate the Capitol on the eighth of January, 1858.

The engrossed bill:

To repeal certain acts therein named, was read the third time, and after much discussion on said bill,

The Senate adjourned until to-morrow morning, 10 o'clock.  
Yeas 17, nays 14.

Yeas—Messrs. Abernathy, Bullock, Bynum, Cocke, Hill, Horn, Jones of Greene, Jones of Fayette, Lindsay, McKinne, McSpadden, Mitchell, Rather, Rayburn, Rowe, Storrs and Thompson—17.

Nays—Messrs. President, Agee, Austin, Burnett, Carter-Clitherall, Crawford, Deas, Felder, Fleming, Griffin, Haffin, Patton and Thaxton—14.



TUESDAY, January 12, 1858.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Mitchell.

Mr. Griffin introduced a bill to suspend execution in certain cases; also,

A bill to alter the hours of sale of executors, administrators and guardians; which were severally read the first time and ordered to a second reading.

Mr. Cocke introduced a bill to incorporate the Cahaba and Tuskaloosa Telegraph company; which was read the first and second times, and referred to the committee on Corporations.

Mr. Cocke also introduced a bill for the relief of the trustee of the estate of Louisa Stringfellow, deceased; which was read the first, second and third times, rule suspended, and passed.

On motion of Mr. Rowe,

*Resolved*, That the superintendent of education of the State of Alabama, and the commissioner and trustee of the State Bank and Branches, be requested to furnish this House with all the information in their possession, showing the amount of the 16th section funds which have been collected by agents or attorneys of the State, which have not been accounted for; the names of such defaulting agents or attorneys, and the amount which each defaulting agent or attorney is due the State at this time.

Mr. Abernathy introduced a bill to repeal section 396 of the Code; which was read the first time and ordered to a second reading.

Mr. Clitherall reported the bill to authorize justices of the peace to apportion hands on the roads in Pickens county, with amendments; which were adopted, and the bill read the third time, and passed.

Mr. Bynum introduced a bill to amend an act entitled an act to enable Silas Morphew, of the county of Walker, to erect a dam therein named; which was read the first, second third and times rule suspended, and passed.

Mr. Thaxton introduced a bill to make Elizabeth Gilliland, of Blount county, a free dealer; which was read the first time and ordered to a second reading.

Mr. Thaxton presented the petition of Harrison Morgan, and others.

Referred to the committee on Corporations.

Mr. McSpadden introduced a bill to incorporate the John M. Moore Copper Mining company; which was read the first and second times, and referred to the committee on Corporations.

On motion of Mr. Rayburn,

*Resolved*, That the committee on the State Capitol, be, and said committee is hereby instructed and requested to have the roof of the Capitol repaired and report at as early a day as possible.

Mr. Austin introduced a bill to prevent the burning of the woods and for other purposes, in district No. 22 in Jackson county; which was read the first time and ordered to a second reading.

The bill for the relief of Lawrence S. Banks, of the county of Morgan, was read the third time, and passed

Yeas 24, nays 5.

Yeas—Messrs. Abernathy, Agee, Austin, Bullock, Bynum, Carter, Cocke, Crawford, Deas, Felder, Griffin, Heflin, Hill, Horn, Jones of Fayette, Lindsay, McKinne, Mitchell, Patton, Rather, Rayburn, Storrs, Thaxton and Thompson—24.

Nays—Messrs. President, Burnett, Clitherall, Fleming and McSpadden—5.

Mr. Rather moved to suspend the consideration of the special order for the present.

Carried.

Yeas 26, nays 1.

Mr. Agee introduced a bill to provide for the pay of State witnesses in certain cases; which was read the first and second times, under a suspension of the rule, and ordered engrossed.

Mr. Bullock introduced a bill to provide for the stay of executions in certain cases; which was read the first and second times, under a suspension of the rule, and referred to the Judiciary committee.

On motion of Mr. Bynum, the general orders were suspended to make a report.

And thereupon, Mr. Bynum, from the Judiciary, reported an amendment to the bill to authorize the judge of the probate court of Lawrence county, to appoint Wm. S. Puryear administrator of the estate of Wm. Puryear, late of said county, deceased, and as amended recommended its passage.

The report was concurred in, the rule suspended, bill read third time, and passed.

On motion of Mr. Storrs, the general and special orders were again suspended.

And thereupon, Mr. Storrs, from the joint committee, submitted their report in relation to the condition of the three per cent. fund; which was read, and by leave of the Senate, withdrawn, and recommitted to the joint committee with instructions to print 3,300 copies.

Message from the House, by Mr. Hames:

Mr. President: The House of Representatives has regulated and passed bills of the following titles:

To repeal certain sections of an act therein named in relation to banking;

To amend section 1372 of the Code;

To incorporate the Selma and Gulf Railroad company;

To prevent nuisances and illegal trafficking with slaves;

To amend the law as to executors and administrators;

To alter the time of holding the Spring term of the circuit court of Pike and Coffee counties;

To allow compensation to viewers of public roads.

House has, also, concurred in the Senate amendment to the bill to amend the charter of the town of Cahaba, and for other purposes;

And, the House has passed the following Senate bills:

To compensate Clark Cross for services rendered:

To change the manner of appointing overseers and apportioners of roads, in the county of Russell;

To authorize Robert T. Dade to transfer certain slaves to Henry C. Mitchell, a minor;

To change the time of holding the circuit court of Montgomery county;

To provide for the pay of jurors in Pickens county, amended by the House as therein shown.

The special order for 11 o'clock this day, a bill to provide for annual sessions of the General Assembly and annual elections of representatives thereto, was taken up.

Mr. Clitherall moved to amend as follows:

"And that the members of each House shall receive two hundred and fifty dollars per session, for their services in lieu of the per diem pay, now allowed by law.

Pending the discussion on the amendment, Mr. Bynum moved that the Senate adjourn until 10 o'clock, to-morrow; which motion was lost.

Yeas 8, nays 21.

After further discussion on the proposed amendment, the Senate adjourned until 3 o'clock, P. M.

#### AFTERNOON SESSION.

The Senate met pursuant to adjournment, and the roll being called, the following senators answered to their names:

Messrs. President, Austin, Bullock, Bynum, Clitherall, Griffin, Heflin, Lindsay, McKinne, McSpadden, Rather and Rayburn.

Messrs. Felder, Mitchell, Hill, and Agee, appeared in the chamber 5 minutes after the call of the Senate, and a motion

was made for leave to have their names recorded; which motion was lost, and leave refused.

The Senate resumed the consideration of the pending question, Mr. Clitherall's amendment to the substitute.

Mr. Bynum moved to lay the amendment on the table; which carried.

Yeas 23, nays 3.

Yeas—Messrs. President, Abernathy, Bullock, Bynum, Carter, Crawford, Deas, Felder, Griffin, Heflin, Hill, Horn, Jones of Fayette, Lindsay, McKinne, McSpadden, Mitchell, Patton, Rowe, Storrs, Thaxton, and Thompson—13.

Nays—Messrs. Agee, Clitherall and Cocke—3.

Mr. Carter moved to strike out Monday, and insert Wednesday; which was lost.

Mr. Agee moved to amend as follows:

SECTION — The members of the General Assembly shall be entitled to five dollars a day as per diem, and ten cents a mile in going to and returning from the General Assembly.

Mr. Clitherall moved to amend the amendment, by striking out ten, and inserting twenty.

Mr. Bynum moved to lay the amendments on the table.

Motion carried.

Mr. Bullock moved to amend as follows:

Strike out, "and shall not continue in session longer than forty days," and insert these words, "and after the expiration of forty days, no further per diem pay shall be allowed to the members of either House.

The amendment was adopted, and the substitute as amended, was then adopted.

Yeas 23, nays 4.

Yeas—Messrs. President, Abernathy, Agee, Austin, Bullock, Burnett, Bynum, Carter, Cocke, Crawford, Deas, Felder, Heflin, Hill, Horn, Jones of Fayette, Lindsay, McKinne, McSpadden, Mitchell, Rather, Rowe, Thaxton and Thompson—23.

Nays—Messrs. President, Clitherall, Patton and Rayburn—4.

Mr. Clitherall moved to suspend the rule; which was carried.

The bill was then read a third time, and passed.

Yeas 22, nays 6.

Yeas—Messrs. Abernathy, Agee, Austin, Bullock, Burnett, Bynum, Carter, Clitherall, Crawford, Deas, Felder, Heflin, Hill, Horn, Jones of Fayette, Lindsay, McKinne, McSpadden, Mitchell, Rather, Thaxton and Thompson—22.

Nays—Messrs. President, Cocke, Griffin, Patton, Rayburn and Rowe—6.

Mr. Clithera l moved to reconsider the vote on the passage of the bill.

Mr. Cocke moved to postpone the motion to reconsider the vote until 3 o'clock, P. M., to-morrow.

Motion lost.

Mr. Clitherall moved to postpone the motion to reconsider, until 11 o'clock, to-morrow; which was lost.

Yeas 13, nays 15.

Yeas—Messrs. President, Burnett, Clitherall, Cocke, Crawford, Deas, Griffin, Hill, Patton, Rather, Rayburn, Rowe and Storrs—13.

Nays—Messrs. Abernathy, Agee, Austin, Bullock, Bynum, Felder, Heflin, Horn, Jones of Fayette, Lindsay, McKinne, McSpadden, Mitchell, Thaxton and Thompson—15.

The question then recurred on the motion of Mr. Clitherall to reconsider the vote on the passage of the bill; which was lost.

Mr. Storrs, from the select committee, on the part of the two houses, to examine into and report the condition of the two and three per cent. funds, made the following

#### REPORT:

The joint select committee, to which was referred the subject of the two and three per cent funds, asks leave to report—

That before enquiring what amounts have been received by the State on account of these funds, and the appropriations made therefrom, it was thought proper to give a condensed statement of their origin, also the trusts and conditions upon which the State of Alabama received them from the general government, although not directly required by the resolutions under which this committee was raised.

The third proposition in the sixth section of the act passed by the Congress of the United States on the 2d day of March, 1819, "to enable the people of Alabama Territory to form a Constitution and State government, and for the admission of such State into the Union," is as follows: "That five per cent. of the nett proceeds of the public lands lying within said territory, and which shall be sold by Congress from and after the 1st day of September, in the year 1819, after deducting all expenses incident to the same, shall be reserved for making public roads and canals, and improving the navigation of rivers, of which three-fifths shall be applied to those objects within the State, under the direction of the legislature thereof; and two-fifths in the making of a road or roads leading to said State, under the direction of Congress."

The people of the territory, by their representatives assembled in convention at Huntsville, on the 5th July, 1819, under said act, to form themselves "into a free and independent State by the name of the State of Alabama, by ordinance adopted by said convention on the 2d August of the same year, declared irrevocable without the consent of the United States," surrendered to the general government all right and title to the unappropriated lands lying within this State, and for and in behalf of the people inhabiting this State, accepted the propositions offered by the act of Congress, under which they are assembled."

By the terms of this grant and acceptance, therefore, three-fifths of this five per cent fund was to be disposed of by the State government, and two-fifths by the general government, hence it is called the three and two per cent funds.

Thus they continued until 1841, when, by act of Congress of 4th September, the two per cent fund was relinquished to the State on the terms and conditions that "the whole of the said two per cent fund shall be faithfully applied, under the direction of the legislature of Alabama, to the connection by some means of internal improvement, of the navigable waters of the bay of Mobile with the Tennessee river, and to the construction of a continuous line of internal improvement from a point on the Chattahoochie river, opposite West Point, in Georgia, across the State of Alabama, in a direction to Jackson, in the State of Mississippi."

It is not questioned that Congress had the right thus to change the direction of the two per cent fund, as the legislature of this State, by an act approved 29th December, 1841, accepted the relinquishment on the terms and conditions in the 17th section of said act of Congress expressed, and declared that "so far as relates to the faithful application of said two per cent fund to the purposes aforesaid, this act is hereby declared unalterable, without the consent of Congress."

Thus, by these acts, the State becomes sole trustee for the "faithful application" of both funds—for the three per cent, as originally granted and received, the two per cent on the terms and conditions imposed by said act of Congress, and accepted by the State.

#### THREE PER CENT FUND.

Your committee first examined into the condition and amount of the three per cent fund.

By virtue of the 3d section of the act of 20th December, 1823, "to establish the Bank of the State of Alabama," this fund be-

came a part of the capital stock of the Bank ; said act declared that "the faith and credit of the State are hereby pledged to supply any deficiency in the funds hereinafter specifically pledged, and to give indemnity for all losses arising from such deficiency," and further, that "the moneys which may arise from the three per cent fund granted to this State by the Congress of the United States, shall constitute a part of the capital of said Bank, and shall be so vested, as the same may be received by this State; and the nett proceeds or banking dividends of said capital shall be applied to the making of roads and canals, and improving the navigation of the rivers within this State, or be so vested as to augment the capital, until such application shall be directed by law."

Under this act the whole amount received on account of this fund, up to the 9th June, 1841, was paid into the Bank. It was found that the amount, as stated by the Bank, and by the United States treasury department, does not entirely harmonize, and the committee was finally relieved from expending any more time in the fruitless endeavor to reconcile them, by ascertaining that the whole matter of this fund, from the 1st September, 1819, to the 31st December, 1848, had been revised and adjusted through J. F. Jackson, appointed agent under joint resolutions of 31st January, 1850, and a large amount was paid to the State under this adjustment previous to the statement from the United States treasurer.

Satisfied, therefore, that the amount received by the State as stated from the books of the treasury department at Washington is correct, we herewith present a tabular statement (No. 1) showing, in detail, the amount paid to the State on account of this fund, and the time when paid, also the sums appropriated from this fund. From this it will be seen that the whole amount received is.....\$590,185 03

Paid to State Bank up to 9th June,

1841, whilst the recipient and controlling the same.....\$353,831 99

From that period the government has paid on account of same, as made up

to 17th September, 1857..... 236,353 04--590,185 03

Under the act of 20th December, 1823, to establish the Bank, it appears dividends were declared and credited on the books of the Bank to this fund, from 9th November, 1826, to 8th

November, 1834, amounting to.... 104,858 30—104,858 30

---

Total.....\$695,043 33

After the last named date, no more dividends were declared to the credit of this fund, because by the act of 10th January, 1835, the profits of the State Bank and Branches (exceeding the expenses of the State government and the interest on the State bonds,) on all funds excepting the university fund, were "set apart," and denominated a "sinking fund."

The late comptroller says, and so we find, that "whatever dividends were declared on the three per cent fund after the passage of the act of 1835, were carried to the credit of the sinking fund, and the appropriations made to internal improvements from it, were debited to this fund. Thus, of the profits credited to the sinking fund, the following appropriations for objects of internal improvements have been made and paid by the Bank, viz:

|   |             |
|---|-------------|
| By act of 19th December, 1847, for improving the navigation of the Coosa river..... | \$30,000 00 |
| By act of 1st February, 1839, for same purpose..                                    | 30,000 00   |
| Act 20th December, 1837, to improve the Tombigbee.....                              | 25,000 00   |
| Act 1st February, 1839, to improve Paint Rock..                                     | 10,000 00   |
| Act of same date, to improve the Black Warrior.                                     | 20,000 00   |
| Act of 2d February, 1839, to improve the Chocatahatchee.....                        | 10,000 00   |
| Act of same date, to improve Elk river.....   | 10,000 00   |
|   | <hr/>       |
|   | 135,000 00  |

Statement No. 1 shows that there has been paid from this fund as follows:

|  |           |            |
|--|-----------|------------|
| To Jack Shackelford and others, commissions for reviewing roads in 1823, 1824 and 1826, under acts of 1821, 1823 and 1824..... | 1,372 00  |            |
| To I. Johnson and R. Woods, for same.....  | 48 00     | 1,420 00   |
| To Alabama and Tennessee River Railroad company, by act 4th February, 1850....   | 90,603 17 |            |
| To Tennessee and Coosa Railroad company, same act.....   | 20,908 42 | 111,511 59 |
| Removing obstructions in Coosa river.....  |           | 2,500 00   |
| Improvements in Tombigbee river, act 6th February, 1852.....   |           | 20,000 00  |
| To agents for collecting and adjusting the fund at Washington city.....  |           | 22,486 16  |
|  |           | <hr/>      |
|  |           | 157,917 75 |



|  |                          |
|--|--------------------------|
| These payments deducted from the entire fund,<br>(695,043 33) leave due this fund.....   | 537,125 58               |
| An act 17th February, 1854, advances from this<br>fund, and upon certain conditions, to the Ten-<br>nessee and Coosa Railroad, none of which, as<br>yet, paid..... | 250,000 00               |
| Leaving unappropriated.....  | 287,125 58    537,125 58 |

The act of 4th February, 1850, appropriating \$100,000 "for the purpose of making a continuous and unbroken chain of railroad from the Alabama to the Tennessee river, divides the route into three sections, and the money is "allotted pro rata to said three sections, according to distance."

The first section, from the Alabama to the Coosa river, in the direction of Talladega.....87,068 miles.  
The second sections from that point to Gadsden....82,003 miles.  
These two sections comprise the Alabama and Tennessee Rivers Railroad company.

The third section is from Gadsden to the Tennessee river, and is the Tennessee and Coosa Railroad .....38,990 miles.

---

208,056 miles.

Dividing \$100,000, pro rata, gives to each mile \$480,63 $\frac{1}{2}$ .

|   |           |                    |
|---|-----------|--------------------|
| Avoiding fractions, the 1st section is en-<br>titled to.....          | 41,845 00 |                    |
| Second section is entitled to.....                                    | 39,415 00 |                    |
| Third        "        "        .....                                  | 18,740 00 | 100,000 00         |
| 1st section has received May 3d, 1851..                               | 25,679 71 |                    |
| "    "        "        "        8, 1855..                             | 20,962 15 | 46,641 86          |
| 2d    "        "        "        5, 1852..                            | 24,203 87 |                    |
| "    "        "        "        8, 1855..                             | 19,757 44 | 43,961 31          |
| 3d    "        "        Feb. 18, 1856, (Tennessee<br>and Coosa,)..... | 20,908 42 |                    |
|   |           | <hr/> \$111,511 59 |

Showing an over-payment of \$11,511 59 from this appropriation.

As required by the 3d and 6th sections of said act, bonds have been given and certificates of stock issued to the State for the entire amount so received by said companies. To that extent, therefore, she is interested as a stockholder, incurring, however, no liabilities.

*The State of Alabama in account with the Three Per Cent Fund.*

[No. 1.]

|      |              |   | Dr.        |              |
|------|--------------|---|------------|--------------|
| 1821 | September 30 | To amount received from the United States.....  | \$ 950 00  |              |
| 1822 | January 29   | To amount received from the United States.....  | 850 00     |              |
| 1824 | May 1        | To amount received from the United States.....  | 32,969 00  |              |
| 1825 | June 3       | To amount received from the United States.....  | 10,753 66  |              |
| 1826 | August 26    | To amount received from the United States.....  | 12,958 28  |              |
| 1827 | January 24   | To amount received from the United States.....  | 5,085 23   |              |
|      | June 6       | To amount received from the United States.....  | 1,454 14   |              |
| 1828 | January 15   | To amount received from the United States.....  | 3,011 58   |              |
|      | August 4     | To amount received from the United States.....  | 1 621 11   |              |
|      | October 10   | To amount received from the United States.....  | 692 95     |              |
| 1831 | February 11  | To amount received from the United States.....  | 15,155 37  |              |
| 1832 | April 27     | To amount received from the United States.....  | 26,081 11  |              |
| 1833 | November 23  | To amount received from the United States.....  | 19,790 62  |              |
| 1834 | November 29  | To amount received from the United States.....  | 25,319 22  |              |
| 1836 | June 16      | To amount received from the United States.....  | 57,000 00  |              |
|      | " "          | To amount received from the United States.....  | 42,166 86  |              |
|      | " "          | To amount received from the United States.....  | 20,000 00  |              |
|      | August 25    | To amount received from the United States.....  | 11,500 00  |              |
|      | November 1   | To amount received from the United States.....  | 10,500 00  |              |
|      | December 14  | To amount received from the United States.....  | 4,000 00   |              |
| 1837 | January 12   | To amount received from the United States.....  | 4,600 00   |              |
|      | February 17  | To amount received from the United States.....  | 16,400 00  |              |
|      | " "          | To amount received from the United States.....  | 1,400 00   |              |
|      | March 20     | To amount received from the United States.....  | 1,350 00   |              |
|      | June 7       | To amount received from the United States.....  | 8,900 00   |              |
|      | " "          | To amount received from the United States.....  | 150 00     |              |
|      | September 29 | To amount received from the United States.....  | 12 00      |              |
|      | " "          | To amount received from the United States.....  | 1,300 00   |              |
| 1841 | June 9       | To amount received from the United States.....  | 17,909 76  |              |
| 1847 | October 27   | To amount received from the United States.....  | 21,574 56  |              |
| 1848 | August 9     | To amount received from the United States.....  | 2,532 04   |              |
| 1849 | June 30      | To amount received from the United States.....  | 5,903 11   |              |
| 1850 | February 23  | To amount received from the United States.....  | 58,905 90  |              |
| 1852 | April 19     | To amount received from the United States.....  | 13,940 06  |              |
| 1853 | February 9   | To amount received from the United States.....  | 8,325 10   |              |
|      | October 4    | To amount received of J. F. Jackson, agent.....   | 126 60     |              |
| 1854 | May 6        | To amount received from the United States.....  | 6,116 80   |              |
|      | December 7   | To amount received from the United States.....  | 9,988 58   |              |
| 1855 | April 14     | To amount received from the United States.....  | 65,451 57  |              |
| 1856 | March 7      | To amount received from the United States.....  | 16,295 38  |              |
| 1857 | September 14 | To amount received from the United States.....  | 15,643 06  |              |
|      |              | To amount received by J. F. Jackson, agent, at<br>Washington, as commissions.....                       | 11,550 28  |              |
|      |              | To aggregate amount of dividends declared by the<br>State Bank on amounts transferred to capital stock. | 104,858 30 |              |
|      |              |   |            | \$695,043 33 |

*The State of Alabama in Account with the Three Per Cent Fund.*

[No. 1—Continued.]

|      |             |   | Cr.          |    |
|------|-------------|---|--------------|----|
|      | 1823, 1824, | By amount paid various commissioners for reviewing roads under Acts of December 17, 1821, '22 and '24 | \$1,372      | 00 |
|      | 1826        | Amount paid J. Lawler and R. Woods for reviewing roads, Acts '23 and '24.....                         | 48           | 90 |
| 1851 | June        | 30 Amount loaned Alabama and Tennessee River Rail Road.....   | 25,679       | 71 |
| 1852 | May         | 5 Amount loaned Alabama and Tennessee River Rail Road.....  | 24,208       | 87 |
| 1854 | February    | 2 Amount paid for removing obstructions in Coosa river, Act 2d February, 1854.....                    | 2,500        | 00 |
|      |             | Amount paid for improvements in the Tombigbee river, Act 6th February, 1852.....                      | 20,000       | 00 |
| 1855 | April       | 26 Amount loaned Alabama and Tennessee River Rail Road.....   | 40,719       | 59 |
| 1856 | February    | 18 Amount loaned Alabama and Tennessee River Rail Road.....   | 20,908       | 42 |
|      |             | Amount paid agents for adjusting this fund at Washington city.....                                    | 22,486       | 16 |
|      |             | Amount balance in hand of Commissioner and Trustee, now to credit of this fund.....                   | \$15,335     | 15 |
|      |             | Amount balance now in the treasury....  | 47,935       | 58 |
|      |             |   | 63,270       | 73 |
|      |             |   | \$222,188 48 |    |

## TWO PER CENT FUND.

By the third section of the act of 29th December, 1841, "accepting this fund," the cashier of the State Bank was authorized to receive the same on special deposit as it fell due. Then under the act of 9th February, 1852, the state treasurer became the receiver, and the State treasury liable for the same.

The amount received from the United States to November 12th, 1842, \$119,207 71, was, by joint resolution of 10th February, 1843, invested in United States treasury notes at 6 per cent. interest, and then by virtue of the act of 16th January, 1844, said cashier converted said notes into United States five per cent. stocks.

From these investments, including 4 per cent. premium on \$60,400 00, transferred to the Montgomery and West Point Railroad company, \$2,416 00, after deducting charges for interest accumulated, premium and brokerage, this fund has accumulated to ..... \$74,097 49

Thus: interest on treasury notes and

stocks to January 1st, 1852..... \$37,348 33

|  |           |              |
|--|-----------|--------------|
| Interest on same from 1st Jan., 1852,<br>to July 1st, 1853.....                        | 4,530 00  |              |
|  | <hr/>     |              |
|  | 41,878 33 |              |
| Less charges, &c.....  | 11,070 75 |              |
|  | <hr/>     |              |
|  | 30,807 58 |              |
| Add premium on 60,400 00.....  | 2,416 00  |              |
|  | <hr/>     |              |
|  | 33,223 58 |              |
| Int. for 5 years from Mont'ry<br>and West Point Railroad<br>company under first loan.. | 29,195 65 |              |
| Ditto extension of same—in-<br>terest to March, 1857...                                | 11,678 26 | 40,873 91    |
|  | <hr/>     | 74,097 49    |
| The whole amount received from the United States<br>up to 14th Sept., 1857.....        |           | 393,743 46   |
|  |           | <hr/>        |
| Making in the aggregate.....   |           | \$467,840 95 |

The following appropriations have been made out of this fund :  
To the Montgomery and West Point Railroad  
company, by act of 23d January, 1845..... 116,782 64

This amount was loaned for ten years, with interest  
only for the last five years of the loan, at five  
per cent. per annum.

This loan was extended by act of 17th February,  
1854, for five years, at same rate of interest, and  
then to the Alabama and Mississippi Railroad  
company, on the same terms as originally loaned  
to the Montgomery and West Point Railroad  
company, which carries this loan forward to  
February, 1870, a period of 25 years from date  
of first loan, and drawing interest for 15 years  
of that period.

Loaned to the Alabama and Mississippi River Rail-  
road company, by act of 9th February, '52 and  
paid 27th February, 1855.....78,036 28

Paid 8th May, 1855.....21,963 72 100,000 00

This loan was for ten years, at five per cent. per  
annum after the first five years.

Loaned Marengo Plank Road company, under the  
act of 9th February, 1850, "to dispose of the

unappropriated portion of the two per cent fund," 9,477 47

Total to the route across the State, in a direction  
to Jackson, Mississippi..... 226,260 11

By act approved 4th February, 1850, one-half of the "two  
per cent fund, with its accumulations, together with so much of  
what the State may be entitled to on account of said fund, from  
any source, at the passage of this act," was appropriated "for  
the purpose of making a continuous and unbroken chain of rail-  
road from the Alabama to the Tennessee river.

Under this act there was paid to the Alabama and  
Tennessee Railroad company, (Selma to Gads-  
den) May 3d, 1851.....65,961 73

May 5th, 1852.....62,170 83

April 26, 1855.....17,726 47

February 13th, 1856, to the Tennessee  
and Coosa Railroad, (Gadsden to Ten-  
nessee river).....33,513 25

Making the amount appropriated to the entire  
route, from the Alabama to the Tennessee river,  
and for which certificates of stock have been is-  
sued to the State..... 179,372 28

Paid agents for adjusting this fund at Washing-  
ton..... 15,851 08

Whole amount loaned and appropriated..... 421,483 47

Balance in treasury 14th Sept., 1857..... 46,357 48

Total..... 467,840 95

The loan of 13th December, 1853, to the Cahaba and Wood-  
vill Plank Road company for \$13,386 93, is not included in  
either of the foregoing statements, for the reason that the same  
was refunded 21st January, 1856.... \$10,387 93

And 12th May, 1857..... 3,000 00 13,386 93  
as is shown in table No. 2.

This amount added to the above, would make the total cor-  
respond with table No. 2, \$481,227 88.

It was shown in the former part of this report, that the three  
sections of the line of railroads from the Alabama to the Ten-  
nessee river, had received from the three per cent. fund \$11,-  
511 59, more than seemed to be covered by the act of 4th Feb-  
ruary, 1850, and that said roads had issued stock to the State for  
the same.

From the above statement of appropriations from the two per

|   |              |
|---|--------------|
| cent. fund, it also appears that, whilst the route across the State in a direction to Jackson Mississippi, has received | \$226,260 11 |
| The route from the Alabama to the Tennessee river.....  | 179,372 28   |

---

|  |           |
|--|-----------|
| Showing an excess over one-half against the first route, of..... | 46,887 83 |
|--|-----------|

For this the roads on that line have given bond, and are paying interest.

It might be borne in mind too, that the fund has been increased from the interest paid by one of those roads upon loans from this fund, to the amount of \$40,873 91.

The province of the committee only extends to a suggestion of these facts. It is for the legislature to determine whether these over-payments shall be legalized, or the companies required to refund the proportion each has received.

From this review, it will be seen the State has disposed of all the two per cent. as yet received, unless it is the balance of \$46,357 48, now in the treasury, and has thus far, with that high sense of honor which has ever characterized her, instead of hoarding, promptly carried out her pledged faith when she became the recipient of this fund. At the same time she has been already largely the gainer, by increasing the receipts into her treasury, as well as the facilities of transportation and communication to her citizens—stimulating their industry and opening new fields to their enterprize. Though the amount is small compared with the cost of any great work, these funds are unquestionably the basis upon which some of our works of internal improvements rest.

The committee has traced these funds through all the acts of the legislature, from the origin of the State up to the present time, and if any act bearing materially upon them has escaped attention, it has not arisen from a want of careful examination.

The State is the trustee for these funds—is she not, by well established legal principles, equally as liable for the interest upon the amount received as for the principle itself? Upon this suggestion an interest account was commenced, but finally abandoned, because it would have taken too much time from other duties, and because it was concluded best to leave this question to be settled by the legislature, in such manner as should be deemed just.

In the tables attached, taken from the books in comptroller's office, it will be noticed the amounts paid both from the three and two per cent funds to the Alabama and Tennessee River Railroad company, and to the Tennessee and Coosa Railroad

company, are put down as "loaned." In this report the word "appropriated" is used, as these companies are only required to give bond for the faithful application of the money so paid, and to issue stock to the State for the same, as before shown.

*The State of Alabama in account with the Two Per Cent Fund.*

[No. 2.]

|      |              |   | Dr.       |    |
|------|--------------|---|-----------|----|
| 1842 | November 12  | To amount received from the United States.....  | \$119,207 | 71 |
| 1843 | October 9    | To amount received from the United States.....  | 94,297    | 43 |
| 1844 | April 19     | To amount received from the United States.....  | 3,467     | 00 |
|      |              | To amount received from the United States.....  | 6,120     | 34 |
| 1848 | August 9     | To amount received from the United States.....  | 21,443    | 17 |
|      | August 9     | To amount received from the United States.....  | 7,423     | 50 |
| 1849 | June 30      | To amount received from the United States.....  | 3,935     | 40 |
| 1850 | February 23  | To amount received from the United States.....  | 45,006    | 09 |
| 1851 | September 29 | To interest on Montgomery and West Point Rail<br>Road Company's bonds.....  | 5,839     | 13 |
| 1852 | April 19     | To amount received from the United States.....  | 3,557     | 90 |
| 1853 | January 26   | To amount received from F. S. Lyon.....   | 1,510     | 00 |
|      | February 9   | To amount received from the United States.....  | 5,550     | 07 |
|      | March 28     | To amount received from F. S. Lyon.....   | 3,020     | 00 |
|      | September 30 | To interest from Montgomery and West Point Rail<br>Road.....  | 11,678    | 26 |
|      | October 4    | To amount received from J. F. Jackson.....  | 371       | 17 |
|      | November 26  | To amount received from F. S. Lyon.....   | 1,510     | 00 |
| 1854 | May 9        | To amount received from the United States.....  | 4,077     | 87 |
|      | December 7   | To amount received from the United States.....  | 6,659     | 05 |
| 1855 | February 20  | To interest from Montgomery and West Point Rail<br>Road Company.....  | 11,678    | 26 |
|      | April 14     | To amount received from the United States.....  | 43,634    | 39 |
| 1856 | January 21   | To amount received from the Cahaba and Woodville<br>Plank Road Company.....   | 10,386    | 93 |
|      | March 7      | To amount received from the United States.....  | 10,863    | 59 |
|      |              | To amount received from Montgomery and West<br>Point Rail Road Company.....   | 5,839     | 13 |
| 1857 | May 12       | To amount received from the Cahaba and Woodville<br>Plank Road Company.....   | 3,000     | 00 |
|      | August 24    | To amount received from Montgomery and West<br>Point Rail Road Company.....   | 5,839     | 13 |
|      | September 14 | To amount received from the United States.....  | 10,428    | 70 |
|      |              | To amount received by J. F. Jackson, agent at<br>Washington.....  | 7,700     | 18 |
|      |              | To accumulation of interest on U. S. five per cent.<br>stocks before the treasury was made the custodi-<br>an of this fund..... | 27,183    | 48 |
|      |              |   | \$481,227 | 88 |

*The State of Alabama in account with the Two Per Cent Fund.*

[No. 2—Continued.]

|      |          |    | <b>Cr.</b>   |              |
|------|----------|----|--|--------------|
| 1845 | March    | 1  | By amount loaned to the Montgomery and West Point Rail Road Company..... | \$116,782 64 |
| 1851 | May      | 3  | By amount loaned the Alabama and Tennessee River Rail Road Company.....  | 65,961 73    |
| 1852 | May      | 5  | By amount loaned to same.....  | 62,170 83    |
| 1852 | June     | 12 | By amount loaned the Cahaba and Woodville Plank Road Company.....        | 13,386 93    |
| 1853 | December | 13 | By amount loaned to Marengo Plank Road Company                           | 9,477 47     |
| 1855 | February | 27 | By amount loaned the Alabama and Mississippi Rail Road Company.....      | 78,036 28    |
| 1855 | April    | 26 | By amount loaned the Alabama and Tennessee Rail Road Company.....        | 17,726 47    |
| 1855 | May      | 8  | By amount loaned the Alabama and Mississippi Rail Road Company.....      | 21,968 72    |
| 1856 | February | 18 | By amount loaned the Alabama and Tennessee Rail Road Company.....        | 33,513 25    |
|      |          |    | By amount paid agent for adjusting this account at Washington.....       | 15,851 08    |
|      |          |    | By balance in treasury.....  | 46,337 48    |
|      |          |    |  | <hr/>        |
|      |          |    |  | \$481,227 88 |

All of which is respectfully submitted.

JOHN S. STORRS,  
Chairman on the part of the Senate.  
R. N. WALDEN,  
Chairman on the part of the House.

On motion of Mr. McSpadden, the Senate adjourned until tomorrow morning, at 10 o'clock.

WEDNESDAY, January 13, 1858.

The Senate met pursuant to adjournment.

The bill to amend section 1537 of the Code was read the second time, and referred to the committee on the Judiciary.

Mr. Griffin introduced a bill to incorporate the Farmer's Insurance Company; also,

A bill to amend section 2788 of the Code of Alabama; which were severally read the first time, and ordered to a second reading.

Mr. Felder presented the account of J. T. Akenhead; referred to the committee on Accounts.

Mr. Crawford introduced a bill vesting certain powers in the commissioners court of Coosa county.



Mr. Mitchell introduced a bill to incorporate the trustees of the Hopewell Cemetery; which were severally read the first time, and ordered to a second reading.

On motion of Mr. Hill.

*Resolved*, That with the concurrence of House of Representatives, the committee on Federal Relations, of both Houses, be instructed to co operate in the preparation of a bill, or joint resolutions, providing for the call of a convention, in case Kansas is refused admission into the Union, with the Constitution recently adopted by a convention of her people at Lecompton.

Mr. Abernathy introduced a bill to amend an act to incorporate the Alabama & Georgia Railroad company, approved January 19th, 1850; which was read the first and second times, and referred to the committee on Internal Improvements.

Mr. Thaxton introduced a bill for the relief of Lewis M. Simpson; which was read the first time, and ordered to a second reading.

Mr. Patton introduced the following preamble and resolutions :

WHEREAS, The people of Alabama have, upon several occasions, and in various forms, announced their purpose to adhere to what is known as the "Georgia Platform," and have, in so doing, resolved that the refusal by Congress, to receive into the Union any State, because its Constitution recognizes or established slavery, must be an aggression upon the rights of the South, justifying and calling for resistance.

AND WHEREAS, The people of Kansas, have, in lawful convention assembled, under legal authority, framed a republican constitution, tolerating slavery, and are now seeking admission to the Union under that constitution.

AND WHEREAS, The admission of Kansas, under that constitution, is resisted by a large party in Congress, whose opposition to her reception into the Union as a State, may be successful; therefore,

*Resolved*, That the committees on Federal Relations, of the two Houses, be instructed to inquire and report, at an early day, what steps it may be prudent or proper, for the State of Alabama to take, in the event Kansas shall not be admitted under the Lecompton constitution, and that they report by bill, or otherwise; which were adopted, and referred to the committee on Federal Relations.

Mr. Clitherall, from the committee on the Judiciary, reported favorably on the bill to amend an act incorporating the Girard & Mobile Railroad company.

The bill was read the second and third times, and passed.

Mr. Clitherall reported favorably on the bill to release executors in certain cases from making annual settlements in the probate court.

Mr. Lindsay moved to lay the report and bill on the table; which was lost.

Yeas 8, nays 23.

Yeas—Messrs. Fleming, Griffin, Heflin, Jones of Greene, Lindsay, McKinne, Storrs and Thompson—8.

Nays—Messrs. President, Abernathy, Agee, Austin, Bullock, Burnett, Bynum, Carter, Clitherall, Cocke, Crawford, Deas, Felder, Hill, Horn, Jones of Fayette, McSpadden, Mitchell, Patton, Rather, Rayburn, Rowe and Thaxton—23.

The bill was ordered to be engrossed.

Mr. Clitherall reported the bill to amend sections 1023 and 3047 of the Code of Alabama, with an amendment; which was adopted, and the bill ordered to be engrossed.

Mr. Clitherall reported adversely on the bill to amend section 1165 of the Code.

The report was concurred in.

Mr. Clitherall reported a substitute for the bill for the relief of W. P. Mallett and F. W. Bynum.

Mr. President, (Mr. Rather in the chair) moved to lay the report on the table. A division of the question being called, it was first taken on laying the substitute on the table, and carried.

The question recurred on laying the bill and report on the table, and carried.

The special orders were postponed until Tuesday next, at 11 o'clock.

Mr. Bullock reported adversely on the bill to repeal an act, approved February 1, 1840.

The report was concurred in.

Mr. Bullock reported favorably on the bill to amend section 2175 of the Code of Alabama.

The bill was ordered to a third reading.

Mr. Bullock reported adversely on the bill for the relief of the minor heirs of John E. Lipscomb, deceased.

The report was concurred in.

Mr. Bullock reported favorably on the bill for the relief of Wm. J. Mims, administrator of George Zeigler, of Autauga county.

The bill was read the third time, and passed.

Mr. Bullock reported favorably on the bill to reduce the expense of appeals to the supreme court in certain cases.

The bill was ordered to be engrossed.

Mr. Bullock reported the bill for the relief of Simon B. Smith, late tax collector of Tallapoosa county, and asked to be discharged, as there was no legal question involved therein.

The report was laid upon the table, and the bill re-committed to the committee on Finance and Taxation.

Mr. Bullock reported favorably on the bill to amend sections 2409 and 2410 of the Code of Alabama.

The bill was ordered to be engrossed.

Mr. Bullock reported adversely on the bill to repeal section 2257 of the Code.

The report and bill were laid on the table.

Mr. Bullock reported the bill to authorize Richard J. Tarver, and others, to establish a ferry across the Alabama river, at Selma, with an amendment; which was adopted, and the bill ordered to a third reading.

Mr. Bynum, from the committee on the Judiciary, reported a substitute for the bill to amend section 3249 of the Code.

Pending the discussion on this bill, the Senate proceeded to the consideration of the general orders of the day.

Mr. McSpadden reported as correctly enrolled:

An act to compensate Clark Cross for services rendered;

An act to change the time of holding the circuit court for Montgomery county;

An act to authorize Robert T. Dade to transfer certain slaves to Henry C. Mitchell, a minor.

Message from his excellency, the Governor, by Mr. Phelan:

Mr. President: His excellency, the Governor, has approved of a bill which originated in the Senate, of the following title:

An act to authorize the successors of sheriffs to make conveyances in certain cases.

The bill to repeal certain acts therein named was taken up and passed.

Yeas 23, nays 8

Yeas—Messrs. President, Agee, Austin, Bullock, Burnett, Bynum, Carter, Clitherall, Cocke, Crawford, Felder, Griffin, Heflin, Horn, Jones of Greene, Jones of Fayette, Lindsay, McKinne, Mitchell, Rather, Rowe, Thaxton and Thompson—23.

Nays—Messrs. Abernathy, Deas, Fleming, Hill, McSpadden, Patton, Rayburn and Storrs—8.

The bill to amend section 3992 of the Code, in reference to fees of sheriffs, in criminal cases, was read three times, and passed.

The bill to provide for the administration on the estate of John Troup, deceased, was taken from the message, and under a

suspension of the rule, read first, second and third times, and passed.

Mr. Bullock moved to adjourn till to-morrow morning, 10 o'clock; which was lost.

Yeas 13, nays 15.

Yeas—Messrs. President, Agee, Bullock, Bynum, Cocke, Horn, Jones of Greene, Lindsay, McKinne, McSpadden, Mitchell, Storrs and Thompson—13.

Nays—Messrs. Abernathy, Austin, Burnett, Carter, Clitherall, Crawford, Deas, Felder, Griffin, Heflin, Hill, Patton, Rayburn, Rowe and Thaxton—15.

On motion of Mr. Clitherall, the Senate then adjourned until 3½ o'clock, P. M.

#### AFTERNOON SESSION.

The Senate met pursuant to adjournment, and proceeded to the consideration of the general orders of the day.

The engrossed bills:

To amend section 3161 of the Code;

To repeal, in part, an act therein named;

Joint memorial to the Congress of the United States, asking that the city of Montgomery be made a port of entry and clearance, &c.;

Relating to Building and Loan Associations;

To amend section 2471 and 2472 of the Code;

To incorporate the Fort Browder Male and Female Academy, in Barbour county;

To repeal an act to define the limits of the town of Somerville, in the county of Morgan, and to incorporate the same;

To define the duties and liabilities of railroad companies in this State;

To lay off the counties into commissioners' districts;

To prevent the adulteration of liquors;

To amend the charter of the Mobile Bay Road company;

To repeal an act therein named, relating to the deposit of monies in the Savings Bank of Mobile;

To extend the operation of section 2768 of the Code; and,

To amend section 1136 of the Code; were severally read the third time, and passed;

The House bills:

To amend section 1065 of the Code;

For the relief of Nicholas Hudson, jailor of Blount county;

To amend the insolvent debtors' law;

To authorize the people of Pike county to elect the county surveyor of said county;

To amend the law in regard to bail in civil cases ; also,  
 Joint resolutions, declining to accept a certain portion of the grant, and carry into execution the trust conferred upon the State of Alabama, by an act of Congress, granting public lands in alternate sections, to aid in the construction of certain railroads ;

To consolidate the offices of judge of probate and clerk of Hancock county ;

For the relief of Professor J. W. Mallett ; were severally read the third time, and passed ;

The bill amendatory of the proceedings in chancery ;

To amend section 1860 of the Code of Alabama ;

To increase the pay of regular and tales jurors in the counties of Choctaw and Clarke ; and,

To extend the provisions of sections 2451 and 2605 of the Code of Alabama ; were severally read a second time, and referred to the committee on the Judiciary ;

The bill to accept the grant of lands to the State of Alabama and to carry into execution the trust conferred upon the State of Alabama, by an act of Congress entitled an act, making a grant of land to the Territory of Minnesota, in alternate sections, and approved March 3, 1857, was read three times, and passed.

Yeas 20, nays 4.

Yeas—Messrs. President, Abernathy, Agee, Bullock, Burnett, Bynum, Carter, Crawford, Deas, Felder, Hill, Horn, McKinne, Mitchell, Patton, Rather, Rayburn, Rowe, Thaxton and Thompson—24.

Nays—Messrs. Austin, Clitherall, Griffin and Heflin—4.

The bill for the relief of John E. McCrary, of Butler county, was read three times, and passed.

Yeas 14, nays 13.

Yeas—Messrs. Austin, Bullock, Burnett, Bynum, Carter, Griffin, Hill, Horn, Lindsay, McKinne, Mitchell, Rayburn, Storrs and Thaxton—14.

Nays—Messrs. President, Abernathy, Agee, Clitherall, Crawford, Deas, Felder, Fleming, Heflin, Patton, Rather, Rowe and Thompson—13.

House bill :

For the relief of defendants in execution in Autauga county ; was read the second time, and laid upon the table.

House bill :

For the relief of Wm. G. Swanson, sheriff of Macon county ; was read a second time, and referred to the committee on Propositions and Grievances.

House bill :

To prohibit the issue or circulation of bank notes under five dollars in this State, was read second time, and referred to the committee on Banks and Banking.

House bill :

For the relief of L. P. Butler, of Montgomery county, was read a second time, and referred to the committee on Roads, Bridges and Ferries.

The bill to declare Frederika Ludicus a free dealer, was read a second time, and laid on the table.

The bill to legalize the sale of section 16, township 3, range 6, east, in Jackson county, was read a second time, and referred to the committee on 16th Sections.

The bill to prevent the retail of spirituous liquors, within two miles of the Baptist church, near Pine Level, in the county of Montgomery, was read second time, and ordered engrossed.

Joint resolutions, in relation to the cession of West Florida, were read the second time.

Mr. Clitherall moved to amend as follows :

"And that the Governor be authorized to pay said commissioners out of the contingent fund, such compensation as he may think proper."

On motion of Mr. Lindsay, the amendment was laid on the table, and the bill ordered engrossed.

Message from his excellency, the Governor :

EXECUTIVE DEPARTMENT, }  
Montgomery, Ala., 13th Jan., 1858. }

*Gentlemen of the Senate :*

I herewith transmit to the Senate, the report of the trustees of the Alabama Insane Hospital.

It will be seen, from the report, that the building will be completed during the present year. It will, therefore, be proper to appoint a president and six trustees, in accordance with the 4th section of the act establishing the Hospital, during the present session of the legislature, as there may not be another session before the institution is ready for the reception of patients. The law requires the president and trustees to be nominated by the Governor, and submitted to the Senate for approval or rejection. The nominations will be made in time to be acted on by the Senate before the adjournment of the legislature.

Respectfully,

A. B. MOORE.

The communication with the report of the trustees of the Alabama Insane Hospital being read, were laid on the table.

Message from the House of Representatives, by Mr. Elmore :

Mr. President: The House of Representative has originated and passed a bill to be entitled an act to provide for the election of state printers.

The bill to incorporate the Gadsden Insurance company, was read the third time.

Mr. Clitherall moved to amend by engrossed ryder, as follows :

*Provided*, That the general assembly, may, at any time, hereafter, alter or repeal this charter.

The same was read first, second and third times, and passed.

The Senate then refused to pass the bill.

Yeas 12, nays 12.

Yeas—Messrs. Abernathy, Bullock, Carter, Clitherall, Deas, Felder, Hill, Horn, McKinne, Mitchell, Patton and Rayburn—12.

Yays—Messrs. President, Agee, Austin, Bynum, Crawford, Fleming, Heflin, Rather, Rowe, Thaxton and Thompson—12.

On motion, the vote refusing to pass the bill, was reconsidered, and the further consideration of the bill postponed until 11 o'clock, to-morrow.

The bill to incorporate the Marion Insurance and Trust company, was read a third time, and the further consideration of the same postponed until 11 o'clock, to-morrow.

And the Senate adjourned until to-morrow morning, 10 o'clock.

THURSDAY, January 14th, 1858.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Tichenor.

The bill supplemental to an act incorporating the Society Hill High School, was read the second and third times, and passed.

Mr. Deas introduced a bill to emancipate a certain slave named Daphne.

Mr. Rowe introduced a bill to extend an act to incorporate the Graffenberg Medical Institute; which were severally read the first time, and ordered to a second reading.

Mr. Clitherall reported favorably on the bill to legalize the sale of section 16, township 3, range 6, east, in Jackson county.

The bill was read the third time, and passed.

Mr. Bynum introduced a bill to amend section 397 of the Code.

Read first time, ordered second reading.

Mr. McSpadden introduced a bill to amend section 2424 of

the Code ; which was read the first, second and third times, and passed.

Mr. Austin introduced a bill to create an additional company beat in Jackson county.

Read the first, second and third times, and passed.

Mr. Austin introduced a bill to make William W. McCutchen, of Marshall county, a citizen of Jackson county.

Read the first time, and ordered to a second reading.

Mr. Fleming, from a select committee, reported a substitute for the bill to amend section 1676 of the Code.

The bill and substitute were referred to the committee on the Judiciary.

On motion of Mr. Patton,

*Resolved*, That with the concurrence of the House of Representatives, the two Houses of the General Assembly will adjourn *sine die* on Monday, the 1st day of February next.

Mr. Cocke, from the committee on Corporations, reported favorably on the bill to amend the charter of the Mobile Steamship company, &c.

The bill was ordered to a third reading.

Mr. Jones, of Greene, from the committee on Federal Relations, reported joint resolutions in regard to the future action of Congress, in reference to the constitution of Kansas.

The resolutions were read the first and second times.

Mr. Lindsay moved to amend by inserting "twice" before "the number of;" which was lost.

The resolutions were read the third time, and unanimously adopted.

Yeas 32.

Yeas—Messrs. President, Abernathy, Agee, Austin, Bullock, Burnett, Bynum, Carter, Clitherall, Cocke, Crawford, Deas, Felder, Fleming, Griffin, Heflin, Hill, Horn, Jones of Greene, Jones of Fayette, Lindsay, McKinne, McSpadden, Mitchell, Patton, Rather, Rayburn, Rowe, Storrs, Thaxton, Thompson and Woodward—32.

The bill to authorize the extension of the 16th section notes, was read the third time, and passed.

Yeas 24, nays 6.

Yeas—Messrs. Abernathy, Agee, Austin, Bullock, Burnett, Bynum, Cocke, Crawford, Deas, Griffin, Heflin, Horn, Jones of Greene, Jones of Fayette, McKinne, McSpadden, Mitchell, Patton, Rather, Rayburn, Rowe, Storrs, Thaxton and Woodward—24.

Nays—Messrs. President, Clitherall, Felder, Fleming, Hill and Thompson—6.



Mr. Storrs, from the committee on Corporations, reported the bill to incorporate the Mobile and Ohio Telegraph company, with amendments; which were concurred in, and the bill was read the third time, and passed.

Mr. Hill, from the committee on Propositions and Grievances, reported adversely on the following claims:

Wm. A. Wilson, of Coosa county;

John M. P. Lyon, of Jackson county;

Thomas H. Ferguson, of Coosa county;

James H. Gill, of Morgan county.

The reports were severally concurred in.

Mr. Rowe reported favorably on the bill for the relief of John S. Barnes.

The bill was read the third time, and passed.

Yeas 22, nays 5.

Yeas—Messrs. Abernathy, Austin, Bullock, Clitherall, Cocke, Deas, Felder, Griffin, Heflin, Hill, Horn, Jones of Greene, Jones of Fayette, McKinne, Patton, Rather, Rayburn, Rowe, Storrs, Thaxton, Thompson and Woodward.

Nays—Messrs. President, Bynum, Fleming, Lindsay and McSpadden.

Mr. Cocke, from the committee on Accounts and Claims, reported favorably on the bill for the relief of Charles Gookin.

Mr. Clitherall moved to amend as follows:

That Charles Gookin, of Lauderdale county, is hereby authorized to bring suit against the State of Alabama, to recover for bills of the State Bank and Branches, alleged to have been destroyed by fire, while the property of said Gookin, and the lapse of time since the alleged burning, shall not be computed so as to operate as a limitation of said action, but on satisfactory proof before the court trying the said cause, the said Gookin shall be allowed to recover such judgment against the State as the facts and the law may warrant, and any judgment against the State shall be paid by the warrant of the comptroller on the treasurer: *Provided*, The State shall not be liable to pay interest or cost about said suit.

Mr. Bynum moved to lay the amendment on the table; which was carried.

Yeas 19, nays 11.

Yeas—Messrs. Austin, Bynum, Carter, Deas, Felder, Fleming, Heflin, Horn, Jones of Greene, Jones of Fayette, Lindsay, McKinne, McSpadden, Mitchell, Rayburn, Rowe, Storrs, Thaxton and Woodward—19.

Nays—Messrs. President, Abernathy, Bullock, Burnett,

Clitherall, Cocke, Crawford, Hill, Patton, Rather and Thompson—11.

The Senate refused to order the bill to be engrossed.

Yeas 9, nays 19.

Yeas—Messrs. Austin, Carter, Cocke, Griffin, Mitchell, Patton, Rather, Rayburn, Storrs and Thompson.

Nays—Messrs. President, Abernathy, Bullock, Bynum, Clitherall, Crawford, Deas, Felder, Fleming, Heflin, Hill, Jones of Greene, Jones of Fayette, Lindsay, McKinne, MeSpadden, Rowe, Thaxton and Woodward.

Message from the House by Mr. Hames, informing the Senate that the House had passed,

A bill supplemental to an act incorporating the Society Hill High School.

And the Senate adjourned until to-morrow morning, 10 o'clock.

FRIDAY, January 15, 1858.

The Senate met pursuant to adjournment.

Ordered that Messrs. Austin and Rayburn be added to the committee on Enrolled Bills.

Mr. Agee introduced a bill to provide for the election of two additional trustees for the University of Alabama; which was read the first, second and third times, the rule being suspended, and passed.

Mr. Agee also introduced a bill to authorize Neal Smith to act as receiver in a certain matter therein named; which was read the first and second time, and referred to the committee on the Judiciary.

Mr. Bullock introduced a bill to incorporate the Midway Male Academy, in Barbour county.

Read and ordered to a second reading.

Mr. Cocke introduced a bill to amend section 1132 of the Code.

Read first, second and third times, the rule being suspended, and passed.

Mr. Rowe offered the following resolution :

*Resolved*, That after Wednesday next, there shall be no new business introduced in the Senate during the present session; which lies over one day.

Mr. Storrs introduced a bill to appropriate a part of the three per cent fund to the North East and South West, and Wills Valley Railroad company.

Read the first and second times and referred to the committee on Internal Improvements.

Mr. Clitherall introduced a bill to incorporate the Yorkvill, Academy of Pickens county.

Read the first, second and third times, rule being suspended, and passed.

Yeas 23, nays 8.

Yeas—Messrs. President, Abernathy, Agee, Austin, Carter, Clitherall, Cocke, Crawford, Deas, Felder, Hill, Horn, McKinne, McSpadden, Mitchell, Patton, Rather, Rayburn, Rowe, Storrs, Thaxton and Woodward—23.

Nays—Messrs. Bullock, Burnett, Bynum, Fleming, Heflin, Jones of Greene, Jones of Fayette, and Thompson.—8.

On motion of Mr. Bynum :

*Resolved*, That the committee on Banks and Banking be instructed to report to the Senate at an early day, the bill interdicting the banks and other corporations of this State, from dealing in foreign currency.

The bill from the House :

To repeal an act therein named, was read the first, second and third times, rule suspended, and passed.

Mr. Bullock reported the bill to regulate the fees of the probate judge of Russell county, with amendments; which were adopted.

Mr. Bynum moved to lay the bill and amendments on the table; which was lost.

Yeas 8, nays 23.

Yeas—Messrs. President, Agee, Bynum, Fleming, Heflin, Jones of Greene, Jones of Fayette, and Rayburn—8.

Nays—Messrs. Abernathy, Austin, Bullock, Burnett, Carter, Clitherall, Cocke, Crawford, Deas, Felder, Griffin, Hill, Horn, McKinne, McSpadden, Mitchell, Patton, Rather, Rowe, Storrs, Thaxton, Thompson and Woodward—23.

The bill was read the third time, and passed.

Yeas 21, nays 10.

Yeas—Messrs. Abernathy, Austin, Bullock, Carter, Cocke, Deas, Felder, Griffin, Hill, Horn, McKinne, McSpadden, Mitchell, Patton, Rather, Rowe, Thaxton, Thompson and Woodward—21.

Nays—Messrs. President, Agee, Bynum, Clitherall, Fleming, Heflin, Jones of Greene, Jones of Fayette, Rayburn and Storrs—10.

The bill for the relief of the Missionary Society, of the Cumberland Presbyterian church at Elyton, was taken from the table, and referred to the committee on Propositions and Grievances.

Mr. Storrs reported the bill to incorporate the Rockford Mining company.

The bill was read the third time and passed.

The Senate took up the special orders and postponed them until Monday next, eleven o'clock.

Mr. Heflin reported the bill to incorporate the Jno. M. Moore Copper Mining company, with an amendment; which was adopted.

Yeas 25, nays 1.

Yeas—Messrs. President, Abernathy, Austin, Bullock, Burnett, Bynum, Carter, Clitherall, Cocke, Crawford, Deas, Felder, Fleming, Heflin, Hill, Horn, Jones of Greene, Jones of Fayette, McKinne, Mitchell, Patton, Rayburn, Storrs, Thompson and Woodward—25.

Nays—Mr. Griffin.

The bill was read the third time and passed.

Yeas 28, nays 1.

Yeas—Messrs. President, Abernathy, Austin, Bullock, Burnett, Bynum, Carter, Clitherall, Cocke, Crawford, Deas, Felder, Fleming, Heflin, Hill, Horn, Jones of Fayette, McKenne, McSpadden, Mitchell, Patton, Rather, Rayburn, Rowe, Storrs, Thaxton, Thompson and Woodward—28.

Nays—Mr. Griffin.

Mr. Rowe reported adversely on the account of Andrew Poor. The report was concurred in.

Mr. Rowe reported favorably on the bill for the relief of Jefferson Falkner.

The bill was read the third time and passed.

Mr. Rayburn, from the committee on Corporations, reported favorably on the bill to incorporate the North Alabama Agricultural Association.

The bill was read the third time and passed.

Mr. Rayburn, from the committee on Accounts, reported favorably on the bill to regulate the registration of claims against the counties of Marshall and DeKalb.

The bill was read the third time and passed.

Also reported the bill to secure the State against fraudulent claims, and that the same was improperly referred.

The bill was referred to the committee on the Judiciary.

Mr. Austin, from the committee on Accounts, reported the bill for the relief of certain persons therein named, with an amendment striking out the appropriation to the jailor of DeKalb county.

Mr. Clitherall moved to lay the amendment on the table; which was carried.

Yeas 19, nays 11.

Yeas—Messrs. Abernathy, Bullock, Carter, Clitherall, Cocke, Crawford, Deas, Felder, Heflin, Hill, Jones of Greene, Lindsay, McKinne, McSpadden, Patton, Rather, Rayburn, Storrs and Thompson.

Nays—Messrs. President, Austin, Burnett, Bynum, Fleming, Griffin, Horn, Jones of Fayette, Mitchell, Rowe and Thaxton.

Mr. Crawford moved to amend by adding \$118, for Thomas Ferguson, jailor of Coosa county.

Mr. Cocke moved to lay the amendment on the table.

Mr. Rowe moved to include also, the bill.

A division of the question was called, and it was first taken on laying the amendment on the table, and carried.

Yeas 19, nays 11.

Yeas—Messrs. Abernathy, Bullock, Carter, Clitherall, Cocke, Crawford, Deas, Felder, Heflin, Hill, Jones of Greene, Lindsay, McKinne, McSpadden, Patton, Rather, Rayburn, Storrs and Thompson—19.

Nays—Messrs. President, Austin, Burnett, Bynum, Fleming, Griffin, Horn, Jones of Fayette, Mitchell, Rowe and Thaxton—11.

Mr. Hill moved to reconsider the vote laying the amendment reported by the committee on the table.

The vote was reconsidered, and the question was taken again on laying on the table.

The Senate refused to lay the amendment on the table.

Yeas 15, nays 16.

Yeas—Messrs. Abernathy, Bullock, Carter, Clitherall, Deas, Felder, Griffin, Heflin, Lindsay, McKinne, McSpadden, Patton, Rayburn, Thaxton and Thompson—15.

Nays—Messrs. President, Austin, Burnett, Bynum, Cocke, Crawford, Fleming, Hill, Horn, Jones of Greene, Jones of Fayette, Mitchell, Rather, Rowe, Storrs and Woodward—16.

The amendment of the committee was adopted.

Yeas 17, nays 13.

Yeas—Messrs. President, Austin, Burnett, Bynum, Cocke, Crawford, Fleming, Hill, Horn, Jones of Greene, Jones of Fayette, Mitchell, Rather, Rowe, Storrs, Thaxton and Woodward—17.

Nays—Messrs. Abernathy, Bullock, Carter, Clitherall, Felder, Griffin, Heflin, Lindsay, McKinne, McSpadden, Patton, Rayburn and Thompson—13.

The question recurred on laying the bill on the table, and was lost.

Yeas 4, nays 26.

Yeas—Messrs. Horn, Lindsay, McSpadden and Thaxton—4.

Nays—Messrs. President, Abernathy, Agee, Austin, Bullock, Burnett, Bynum, Carter, Clitherall, Crawford, Deas, Felder, Fleming, Heflin, Hill, Jones of Greene, Jones of Fayette, McKinne, Mitchell, Patton, Rather, Rayburn, Rowe, Storrs, Thompson and Woodward.

The bill was ordered to a third reading.

The engrossed bills :

To amend section 3047 of the Code ;

To amend the charter of the Mobile Steamship company, &c. ;

For the relief of George Powell, of Blount county ;

To amend section 2175 of the Code ;

To release executors in certain cases from making annual settlements in the probate courts ;

To incorporate the trustees of the Synod of Alabama ;

To amend sections 2409 and 2410 of the Code ;

To reduce the expense of appeals to the supreme court in certain cases ;

Joint resolutions in regard to the cession of West Florida, were severally read the third time and passed.

Also, the bill to prevent the retail of spirituous liquors within two miles of the Baptist church, near Pine Level, in Montgomery county.

The bill to amend the charter of the Alabama and Florida Railroad company, was referred to the committee on Internal Improvements.

The following bill was read the second time and referred to the Judiciary committee :

Authorizing registers in chancery to take acknowledgments of conveyances.

Mr. Fleming presented the following protest; which was ordered to be spread on the journal :

#### PROTEST.

I respectfully ask leave to enter upon the journal of the Senate my solemn protest against the passage of the bill to provide for annual sessions of the Legislature :

First, I regard the act as unconstitutional; the plain and declared intention of the amendment adopted in 1846, and ratified by the people, was to fix by this change biennial sessions. The question of returning to that system, should, before becoming the law, be submitted to the people.

Secondly, my honest convictions are, that it will result in an accumulation of our State expenses, proving a wasteful sacri-

fice of the tax payers money, and not promote the general good of the country.

Thirdly, I am satisfied no member of the present General Assembly can believe for a moment, that he was elected for two successive sessions, and the existing law expressly forbids, as I conceive, the provisions of this bill taking effect until the second Monday of November, in the year 1859, unless convened at an earlier day, by order of the executive.

Which are respectfully submitted.

WM. FLEMING.

I join in the above protest, because I believe the measure of doubtful constitutionality and expediency.

J. M. CALHOUN.

For the reasons set forth in Mr. Calhoun's protest, we assign the same.

A. B. GRIFFIN,  
W. WOODWARD.

For the three reasons of Mr. Fleming's protest, I assign the same.

J. S. STORRS.

I join the above protest upon the ground that I believe that by the constitution, representatives are elected for but one year.

ALEX. B. CLITHERALL.

Message from his excellency, the Governor, by Mr. Phelan.

Mr. President: His excellency, the Governor, has approved of bills, which originated in the Senate, of the following titles:

An act to compensate Clark Cross for services rendered;

An act to change the time of holding the circuit court of Montgomery county;

An act to incorporate the Society Hill High School;

An act to authorize Robert T. Dade to transfer certain slaves to Henry C. Mitchell, a minor;

An act supplemental to an act incorporating the Society Hill High School.

The following bills were severally read the second time and referred to the Judiciary committee:

To amend section 2118 of the Code of Alabama;

To better regulate jailors fees in the county of Madison;

To establish the compensation of representatives and officers of the General Assembly;

To allow certain fees to officers arresting persons under a warrant issued by a committing magistrate;

To enlarge the discretionary powers of grand juries ;  
 To provide for the suppression of depositions in certain cases ;  
 To compensate Wm. N. Adkinson, of Barbour county.

The following bills were severally read the second time and referred to the committee on Finance and Taxation :

To regulate the election of tax assessors ; and,  
 To regulate the collection of taxes in this State.

The bill to extend the time for opening the books of the Westumpka Insurance company, was read the second time and referred to the committee on Corporations.

The bill to provide for the election of state printers, and other purposes ; and,

The House bill to provide for the election of state printer, were severally read the second time and referred to the committee on State Printing.

Message from the House, by Mr. Hames :

Mr. President: The House of Representatives has concurred in the Senate's amendment to the House bill, to extend the operations of section 2768 of the Code.

The House has adopted the joint memorial to the Congress of the United States, asking that the city of Montgomery be made a port of entry and clearance, and for an appropriation for the erection of custom houses, United States court room, land office and postoffice.

Also, the joint resolutions from the Senate providing for the call of a convention in case Kansas be refused admission into the Union.

Have originated and passed the following bill :

In reference to the school lands belonging to inhabitants of certain townships in this State, located in the States of Arkansas and Louisiana.

SATURDAY, January 16, 1858.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Shaver.

Mr. Bullock introduced a bill to regulate the filing of bills in chancery in certain cases.

Read first and second times and referred to the Judiciary committee.

Mr. Felder presented the account of J. P. Stowe.

Referred to the committee on Accounts.

Mr. Hill reported a bill for the relief R. P. Evans ; which was read the first, second and third times, rule suspended, and passed.

Mr. Clitherall, from the committee on State Printing, reported a bill to provide for the publication in certain newspapers, of



the public statutes of Alabama; which was read the first and second times.

Mr. Clitherall moved to amend by inserting, "and two papers of different politics in Montgomery."

Mr. Bynum moved the previous question; which was lost.

Yeas 8, nays 21.

Yeas—Messrs Austin, Bynum, Fleming, Heflin, Jones of Greene, Rather, Thaxton and Thompson—8.

Nays—Messrs. President, Abernathy, Agee, Bullock, Burnett, Carter, Clitherall, Cocke, Crawford, Deas, Felder, Hill, Horn, Lindsay, McSpadden, Mitchell, Patton, Rayburn, Rowe and Storrs—21.

Pending the action on this bill,

Mr. McSpadden reported as correctly enrolled :

An act to change the manner of appointing overseers and apportioners of roads in the county of Russell;

An act to give the probate judge of St. Clair county jurisdiction over the estate of John Dollar, late of Tuskaloosa county, deceased.

Mr. Clitherall withdrew his first amendment, and offered the following :

Two newspapers of different politics, in Montgomery, Mobile, Huntsville, Eufaula, Tuskaloosa, Wedowee and Tuscumbia.

Mr. Mitchell moved to amend as follows:

Also, in the papers published in Lafayette.

The bill was re-committed.

Mr. Lindsay introduced a bill to regulate the probate court of Franklin county; which was read the first, second and third times, rules suspended, and passed.

Mr. Lindsay also introduced a bill to incorporate Tuscumbia Female Seminary.

Mr. Austin introduced a bill to regulate the time of holding the Spring terms of the circuit courts of Madison, Marshall and Jackson counties; which were severally read the first time, and ordered to a second reading.

Mr. Fleming presented the report of the quarter master general—referred to the committee on the Military.

Mr. Fleming reported favorably on the bill to incorporate the Eufaula Rifles.

The bill was read the third time, and passed.

The Senate proceeded to consider bills on their second reading.

The Senate bills :

For the relief of Lewis M. Simpson, was read the second time and ordered to be engrossed.

The bill to authorize the commissioners' court of Sumter coun-

ty to appropriate \$600, to make the office of the judge of probate fire proof, was read the second and third times, and passed.

The following bills were read the second time and referred to the committee on the Judiciary:

Vesting certain powers in the commissioners' court of Ccosa county ;

To amend section 2788 of the Code ;

To emancipate a certain slave named Daphne ;

To renew and extend the operation of an act therein named ;

To give effect to powers of attorney ;

To authorize the removal of causes in the chancery courts in certain cases ;

To amend sections 2118, 2120, 2121 and 2122 of the Code ;

To regulate the calling of the circuit courts of this State ;

To provide for the distribution of the Alabama Reports to registers in chancery.

The bill to extend an act to incorporate the Graffenberg Medical Institute, was read the second and third times, and passed.

The following bills were read the second time and referred to the committee on Finance and Taxation :

To amend section 397 of the Code ;

To repeal section 396 of the Code ;

To render the license laws more efficient ;

The bill to make Elizabeth Gilliland, of Blount county, a free dealer ; and,

The bill to reduce the tax on certain property therein specified, were laid on the table.

The bill to increase the pay of the county court commissioners, of Randolph county, was read the second and third times and passed.

The bill declaratory of the common law in reference to the payment of bank debts ;

For the relief of John L. Pearce, guardian ;

To change the time of holding the chancery court for the 38th and 39th districts of the Northern Division ;

To alter the hours of sale of executors, administrators and guardians ;

To suspend executions in certain cases ;

To compel the county commissioners of Marshall county to levy a special tax ;

To provide for the payment of jurors in Jefferson county ;

For the relief of defendants in execution in Autauga county ; were severally read the second time and referred to the committee on the Judiciary.

The bill to amend section 97 of the Code, was read the second and third times, and passed.

The following bills were referred to the committee on Corporations:

Amendatory of the several plank road charters herein designated;

To incorporate the trustees of Hopewell Cemetery;

To incorporate the Farmers' Insurance company;

Concerning life insurance;

To incorporate the Midway Male Academy, in Barbour county;

To incorporate the North Alabama Mining and Manufacturing company;

To establish a Medical Board in the county of Pike;

The bill for the relief of James Scales, Jr., was read the second and third times and passed.

The bill to repeal an act therein named;

To repeal an act to regulate the license of pedlars, in Chambers county; and,

The bill for the relief of Sarah L. Owens, of Montgomery county, were laid on the table.

The following bills were read the second time and referred to the committee on Internal Improvements:

To accept the grant and carry into execution the trust conferred upon the State of Alabama, by an act of Congress granting public lands in alternate sections to aid in the construction of certain railroads;

Joint resolutions designating the application of certain lands, granted by Congress to the State of Alabama;

To incorporate the South and North Alabama Railroad company;

To incorporate the Selma Gulf Railroad company;

The bill requiring the quarter master general to furnish the Southern Polytechnic Institute with a stand of arms, was read the second time and referred to the committee on the Military.

The bill to make William W. McCutchen, of Marshall county, a citizen of Jackson county, &c., was read the second time and referred to the committee on County Boundaries.

The bill for the relief of J. J. Sublett, was read the second and third times, and passed.

The bill to repeal section fifteen of the act to legalize the suspension of the Central and Commercial Banks of Alabama, was read the second time and referred to the committee on Banks and Banking.

The bill for the relief of William D. Sankey, was read the second time and referred to the committee on Accounts.

The bill to incorporate the Lawrenceville Male and Female Academy in Henry county, was read the second and third times and passed.

Yeas 19, nays 8.

Yeas—Messrs. President, Abernathy, Agee, Austin, Burnett, Clitherall, Cocke, Crawford, Deas, Felder, Griffin, Hill, Horn, McKinne, McSpadden, Mitchell, Patton, Rather, Rayburn and Woodward—19.

Nays—Messrs. Bynum, Fleming, Heflin, Jones of Greene, Jones of Fayette, Lindsay, Thaxton and Thompson—8.

The amendment of the House to the bill to provide for the pay of jurors in Pickens county, was concurred in.

The bill from the House to incorporate the Mobile Omnibus company, was read the second and third times, and passed.

The bills from the House:

To repeal certain sections of an act therein named;

To amend section 1372 of the Code;

For the relief of Wm. L. Butler, of Shelby county;

In relation to costs in criminal cases, &c.;

To repeal section two of an act in reference to the pay of jurors in Macon county; were severally read the first time and ordered to a second reading.

The following House bills were severally read the first and second times and referred to the committee on the Judiciary:

To prevent nuisances and illegal trafficking with slaves;

To amend the law as to executors and administrators;

To amend an act in reference to school lands, &c.;

The bill to authorize justices of the peace to appoint overseers of roads, &c., in Marion county, was read the second and third times, and passed;

The bill from the House to authorize the executrix of the will of Abram Burk, to remove the administration, &c., was read the first and second times, and referred to the senators from Barbour and Coffee;

The bill to incorporate the Mechanics' Hook and Ladder company, of Montgomery, was read the first, second and third times, and passed; also,

The bill to increase the pay of sheriffs in this State; and

The bill for the relief of Walter Trainum;

The bill to change the name of the county of Hancock to Winston;

The bill to create an additional company beat and election precinct in Fayette county;

To allow compensation to viewers of public roads ;

To authorize the probate court of Lowndes to grant letters of administration on the estate of John H. Cottingham; were severally read the third time and passed.

The bill for the relief of Austin Murphree, sheriff of Blount county, was read the first and second times.

Mr. Austin moved to amend as follows :

"That the provisions of this bill be extended to the counties of Clarke, Covington, DeKalb, Jackson, Macon, Marion and Morgan ; which was adopted.

The bill was read the third time and passed.

Yeas 25, nays 5.

Yeas—Messrs. President, Abernathy, Agee, Austin, Bullock, Burnett, Carter, Clitherall, Cocke, Deas, Felder, Griffin, Heflin, Horn, Jones of Greene, Jones of Fayette, McKinne, McSpadden, Mitchell, Patton, Rather, Rayburn, Rowe, Thaxton, Thompson and Woodward—25.

Nays—Messrs. Bynum, Crawford, Fleming, Hill and Lindsay—5.

The amendment of the House to the resolution in regard to Kansas, &c., was concurred in.

The bill to alter the time of holding the Spring term of the circuit court of Pike and Coffee counties, was laid on the table.

The amendments of the House to the bill to amend the act of February 15, 1856, authorizing the issuance of attachments out of chancery courts;

The bill to change the third and seventh congressional districts of the State of Alabama, was read a second time, and referred to a select committee of senators composed of the two congressional districts, Messrs. Heflin, Hill, Abernathy, Thaxton, Storrs, Griffin, Felder, Rowe, Crawford, Mitchell and Carter.

The bill for the relief of the deaf and dumb of Alabama, and other purposes, was read the second time and referred to the committee on Education.

The following House bills were, under a suspension of the rule, read first, second and third times, and passed;

To change the time of taking up the State docket, in Bibb county ;

Authorizing the commissioners' court to apply six hundred dollars, out of the fines and forfeitures, to make the office of judge of probate fire proof ;

This bill was amended by the Senate by adding the words, "Sumter county," after the word "probate" in the caption.

The bill to provide for binding the manuscript acts of the leg-

islature, was read the second time, rule suspended, read a third time, and passed.

The bill to incorporate the Columbus and Tennessee Valley Railroad company, was read the second time, and referred to the committee on Internal Improvements and Inland Navigation.

The bill to authorize guardians to collect compound interest in certain cases, was taken up and laid on the table;

The amendment of the House of Representatives to the joint resolution, requesting that Lieutenant Maury, of the United States Navy, be restored to his former standing in the Navy, was concurred in.

The amendment of the House of Representatives to the Senate bill to authorize Lemuel A. Gilkey, judge of probate for Pickens county, to act as guardian for Walter M. Gilkey, a minor, was concurred in.

Senate bill:

To transfer certain property to the University of Alabama, was read the second and third times, under a suspension of the rule, and passed.

Mr. McSpadden, from the committee on Enrolled Bills, reported as correctly enrolled,

Joint resolutions in relation to Kansas.

And the Senate adjourned until to-morrow morning, 10 o'clock.

MONDAY, January 18, 1857.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Hill,

Mr. Bullock introduced a bill to authorize the commissioners' court of Barbour county to refund a certain sum of money to Abner H. Flewellen; which was read the first, second and third times, and passed.

Mr. Cocke introduced a bill to incorporate the Union Town Insurance company; read first and second times, and referred to the committee on Corporations.

Mr. Hill reported a substitute for the bill for the relief of the Missionary Society of the Cumberland Presbyterian church at Elyton; which was adopted, and read the third time, and passed.

Mr. Clitherall introduced a bill to aid the educational fund in free public schools in education; read the first and second times and referred to the committee on Finance and Taxation.

Mr. Thompson reported as correctly enrolled,

An act to authorize the judge of probate of Lawrence county, to appoint Wm. S. Puryear administrator of the estate William Puryear, deceased.

Mr. Storrs introduced a bill to provide for the safety of 16th

section books in the office of the superintendent of education; read the first, second and third times, rule suspended, and passed.

Mr. Rather introduced a bill to enlarge the jurisdiction of the probate courts of this State; also,

To authorize administrators of insolvent estates to maintain actions for the recovery of lands in certain cases; which were severally read the first and second times, and referred to the committee on the Judiciary.

Mr. Griffin, a bill for the relief of township 17, range 29, of Russell county; read the first and second times, and referred to the committee on Sixteenth Sections.

Mr. Woodward reported favorably on the bill for the relief of L. P. Butler; the bill was read the third time, and passed.

Mr. Rowe reported favorably on the bill for the relief of John D. Price.

The bill was ordered to a third reading.

Mr. Rowe reported favorably on the bill for the relief of Henry F. Snow.

The bill was read the first, second and third times, rule suspended, and passed; also,

Reported adversely on the account of John S. Aikenhead.

Report concurred in.

Mr. McKinne, from the committee on Corporations, reported favorably on the bill to amend the act to incorporate the Elba Insurance company, of Coffee county.

The bill was read the third time, and passed.

Mr. Bullock reported favorably on the bill to authorize the administrator of William Towns, to sell and convey real estate; read the third time, and passed.

Mr. Cocke reported a bill for the relief of J. A. Waterson; read the first, second and third times, rule suspended, and passed.

Message from the House, by Mr. Hames, informing the Senate that the House had passed bills, as follows:

To give the probate court of Dallas county jurisdiction over the estate of Calvin Norris, deceased;

To authorize the judge of probate of Montgomery county, to take jurisdiction of the estate of Green W. Cole, deceased, of Chambers county;

To authorize L. A. Watson to keep a ferry without license;

To declare George W. Slatter a citizen of Monroe county;

To incorporate the Mechanics' Hook and Ladder company, of Montgomery.

The House has concurred in the amendment of the Senate to the bill,

To incorporate the Mobile and Ohio Telegraph company.

Passed the following Senate bill :

To create an additional company beat in Jackson county, and for other purposes.

Mr. Bullock reported favorably on the bill to enlarge the discretionary power of grand juries.

Mr. Lindsay moved to amend as follows :

“And that the grand juries be authorized to summon before them two witnesses for the defendant.”

Mr. Clitherall moved to lay the amendment on the table; which was carried.

Yeas 24, nays 3.

Yeas—Messrs. President, Agee, Austin, Bullock, Burnett, Bynum, Carter, Clitherall, Crawford, Deas, Felder, Heflin, Hill, Jones of Greene, Jones of Fayette, McKinne, Rather, Rayburn, Rowe, Storrs, Thaxton, Thompson and Woodward—24.

Nays—Messrs. Felder, Griffin and Lindsay—3.

Mr. Clitherall moved to lay the bill on the table; which was lost.

Yeas 4, nays 24.

Yeas—Messrs. President, Clitherall, Heflin, and Jones of Fayette—4.

Nays—Messrs. Abernathy, Agee, Austin, Bullock, Burnett, Bynum, Carter, Cocke, Crawford, Deas, Felder, Fleming, Griffin, Hill, Jones of Greene, Lindsay, McKinne, Patton, Rather, Rayburn, Rowe, Storrs, Thaxton, Thompson and Woodward—24.

The bill was read the third time, and passed.

The vote on the passage of the bill to incorporate the Montgomery Hook and Ladder company, was reconsidered.

Mr. Felder moved an amendment; which was adopted, and the bill passed.

The Senate proceeded to consider the orders of the day.

The engrossed bills:

To provide for more conveniently proving accounts in certain cases;

To provide for the pay of States' witnesses in certain cases;

For the relief of certain persons therein named;

To authorize Richard J. Tarver, and others, to establish a ferry across the Alabama river; were severally read the third time, and passed.

The following bills were severally read the second time, and referred to the committee on the Judiciary :

In relation to costs in criminal cases in which the venue is changed;



To repeal section two of an act, approved February 1st, 1854, in reference to the pay of tales jurors, in Macon county;

To amend section 1372 of the Code;

For the relief of Wm. L. Butler, of Shelby county;

The bill to amend the charter of the city of Mobile; and

The bill to incorporate the Tuscumbia Female Seminary, were severally read the second time, and referred to the committee on Corporations.

The bill to repeal certain sections of an act therein named, in relation to banking, was read the second time, and referred to the committee on Banks and Banking.

The bill to dec are Geo. W. Slater a citizen of Monroe county, was read the second and third times, and lost.

Yeas 15, nays 13.

Yeas—Messrs. Abernathy, Agee, Austin, Burnett, Bynum, Carter, Deas, Griffin, Heflin, Hill, Horn, Jones of Fayette, McKinne, Rayburn and Storrs—15.

Nays—Messrs. Bullock, Clitherall, Cock, Felder, Fleming, Jones of Greene, Lindsay, McSpadden, Rather, Rowe, Thaxton, Thompson and Woodward—13.

This vote was reconsidered, and the bill referred to the committee on County Boundaries.

The bills mentioned in the message from the House this morning, were severally read the first time, and ordered to a second reading, except the bill in regard to the estate of Calvin Norris; which was read the first and second times, and referred to the committee on the Judiciary.

Mr. Storrs, from the committee on the Judiciary, reported adversely on the resolution proposing to amend the Constitution, so as to give justices of the peace jurisdiction in cases of assaults and batteries.

The report was concurred in.

Yeas 16, nays 15.

Yeas—Messrs. President, Bullock, Burnett, Carter, Deas, Felder, Griffin, Hill, Jones of Greene, Jones of Fayette, Lindsay, McKinne, McSpadden, Rather, Rowe and Thompson—16.

Nays—Messrs. Abernathy, Agee, Austin, Bynum, Clitherall, Cocke, Crawford, Fleming, Heflin, Horn, Patton, Rayburn, Storrs, Thaxton and Thompson—15.

The bill to regulate the time of holding the Spring term of the circuit courts, in the counties of Madison, Marshall and Jackson, was read the second time, and referred to a select committee of the circuit.

Mr. Storrs reported adversely on the bill to amend section 1676 of the Code.

The report was concurred in.

Mr. Age reported favorably on the bill to increase the pay of regular and tales jurors, in the counties of Choctaw and Clarke.

The report was concurred in.

Mr. Bullock reported favorably on the bill to authorize the probate judge of Marshall county, to decree a division of certain property.

The bill was read the third time, and passed.

Mr. Storrs reported favorably on the bill to extend the time for opening the books of subscription of the Watumpka Insurance company.

The bill was read the third time, and passed.

Mr. Bullock reported favorably on the bill to amend section 3500 of the Code.

The bill was ordered to a third reading.

Also, favorably on the bill to provide for the suppression of depositions in certain cases.

The bill was ordered to be engrossed.

Also, favorably on the bill to extend the provisions of section 2451 and 2605 of the Code.

The bill was ordered to a third reading.

Also, favorably on the bill to amend section 1860 of the Code.

The bill was ordered to a third reading.

Mr. Bullock reported the bill to amend section 1537 of the Code, with an amendment; which was adopted.

Mr. Jones, of Greene, moved to amend as follows:

*Provided*, That the provisions of this act shall not apply to bills of exchange, drawn, dated and negotiated before the passage of this act; but such bills of exchange shall be regulated in all respects, by statutes now in force in the State of Alabama; which was adopted.

Yeas 23, nays 6.

Yeas—Messrs. President, Abernathy, Agee, Austin, Bullock, Bynum, Carter, Clitherall, Cocke, Crawford, Felder, Fleming, Heflin, Hill, Horn, Jones of Greene, McKinne, Patton, Rayburn, Rowe, Thaxton, Thompson and Woodward—23.

Nays—Messrs. Burnett, Deas, Griffin, Jones of Fayette, Rath-  
er and Storrs—6.

Mr. Bullock moved to strike out "five" and insert "eight," in last line.

Mr. Jones, of Greene, moved to lay the amendment on the table.

Yeas 17, nays 10.

Yeas—Messrs. President, Abernathy, Agee, Jones of Greene,

Lindsay, McKinne, Patton, Rather, Rayburn, Rowe, Thompson and Woodward—17.

Nays—Messrs. Austin, Bullock, Burnett, Bynum, Carter, Clitherall, Deas, Felder, Storrs and Thaxton—10.

Mr. Clitherall moved to adjourn until 10 o'clock, to-morrow ; which was lost.

Mr. Fleming moved to strike out five and insert ten, in last line.

Mr. Cocke moved to lay the amendment on the table ; which was lost.

House bills :

To authorize the judge of probate of Montgomery county to take jurisdiction of the estate of Greene W. Cole, deceased, of Chambers county ; and,

To amend the law, in relation to sales of cotton by factors, in the city of Mobile, were severally read the first time, and ordered to a second reading.

The Senate concurred in the amendment of the House,

To destroy the bills of the State Bank and branches.

Senate bills :

To authorize the administrator of the estate of Wm. Towns to sell and convey real estate, was read first, second and third times, under a suspension, and passed.

For the relief of J. A. Waterson, was reported by Mr. Cocke, from the committee on Accounts and Claims ; and the same was read first, second and third times, under suspension, and passed.

Mr. Rowe, from the committee on Accounts and Claims, reported a bill for the relief of Henry F. Snow ; which was read the first, second and third times, under a suspension of the rule, and passed.

And the Senate adjourned until to-morrow morning, 10 o'clock.

TUESDAY, January 19th, 1858.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Mitchell.

Mr. Deas presented the petition of sundry citizens of Mobile, in regard to arrearages.

Referred to the committee on Propositions and Grievances.

Mr. Jones, of Greene, introduced a bill to regulate the fees of justices.

Read the first and second times, and referred to the committee on the Judiciary.

Mr. Cocke introduced a bill to amend an act therein named.

Read first, second and third times, and passed.

Mr. Mitchell: a bill for the relief of Philip A. Harper, administrator of Early Lyons, deceased.

Read first and second times, and referred to the committee on the Judiciary.

Also, a bill to authorize the administrator of Marcus Flournoy to sell land and negroes.

Mr. Storrs: a bill to amend the charter of the Alabama Coal Mining company.

Read the first and second times, and referred to the committee on the Judiciary.

The vote taken yesterday, concurring in the report of the Judiciary committee, on the bill to amend 1676 of the Code, was reconsidered.

Mr. Lindsay introduced a bill to repeal the 12th sub-division of section 397 of the Code.

Read first and second times.

The Senate refused to order the bill to a third reading.

Yeas 2, nays 27.

Yeas—Messrs. Bullock and Lindsay.

Nays—Messrs. President, Abernathy, Agee, Austin, Burnett, Bynum, Carter, Clitherall, Cocke, Deas, Felder, Fleming, Heflin, Hill, Horn, Jones of Greene, Jones of Fayette, McSpadden, Mitchell, Patton, Rather, Rayburn, Rowe, Thaxton, Thompson and Woodward—27.

Mr. Fleming reported the bill to require the quarter-master general to furnish the Polytechnic Institute, at LaGrange, with a stand of arms, with amendments; which were adopted, and the bill read the third time, and passed.

Mr. Thompson, from the committee on Enrolled Bills, reported as correctly enrolled:

An act to accept of the grant, and carry into execution the trust, conferred upon the State of Alabama, by an act of Congress, entitled an act granting public lands, in alternate sections, to the State of Alabama, to aid in the construction of certain railroads;

A resolution, requesting that Lieutenant Maury, of the United States Navy, be restored to his former standing in the navy;

Joint memorial to the Congress of the United States;

Joint resolutions, for the call of a convention, in case Kansas is refused admission into the Union;

An act to amend the act of February 15th, 1856, authorizing the issuance of attachments out of chancery;

An act to create an additional company beat in Jackson county, and for other purposes:

For the relief of witnesses and jurors, in certain cases therein named.

The Senate resumed the consideration of the bill to amend section 1537 of the Code.

Mr. Clitherall moved to take from the table the amendment offered by Mr. Fleming; which was lost.

Yeas 8, nays 21.

Yeas—Messrs. Bullock, Bynum, Clitherall, Felder, Fleming, Heflin, Mitchell and Storrs—8.

Nays—Messrs. President, Agee, Austin, Burnett, Carter, Cocke, Crawford, Deas, Horn, Jones of Greene, Jones of Fayette, Lindsay, McSpadden, Patton, Rather, Rayburn, Rowe, Thaxton, Thompson and Woodward—21.

Mr. Clitherall moved to strike out five and insert seven and a-half per cent.

Mr. Rather moved the previous question; which was sustained.

Yeas 25, nays 6.

Yeas—Messrs. President, Abernathy, Agee, Austin, Burnett, Carter, Cocke, Crawford, Deas, Griffin, Heflin, Hill, Jones of Greene, Jones of Fayette, Lindsay, McKinne, McSpadden, Mitchell, Patton, Rather, Rayburn, Rowe, Thaxton, Thompson and Woodward—25.

Nays—Messrs. Bullock, Bynum, Clitherall, Felder, Fleming and Storrs—6.

The bill was ordered to a third reading.

The Senate resumed the consideration of the report of the Judiciary committee on the bill to amend section 1676 of the Code.

The report was laid on the table.

Mr. Bullock moved to amend the substitute as follows:

*Provided*, That the provisions of this act shall apply only to the county of Madison; which was adopted.

The substitute was adopted and the bill read third time and passed.

The special orders for 11 o'clock was suspended on motion of Mr. Clitherall.

Message from the Governor, by Mr. Phelan:

Mr. President: His excellency, the Governor, has approved of bills, which originated in the Senate, as follows:

An act to change the manner of appointing overseers, and apportioners of roads in the county of Russell;

An act to give the probate judge of St. Clair county jurisdiction over the estate of John Dollar, late of Tuskaloosa county, deceased.

Mr. President laid before the Senate the report of the presi-

dent and directors of the Tennessee and Coosa Railroad; which was referred to the committee on Internal Improvements.

Mr. Patton from the committee on Banks and Banking, reported adversely on the bill to repeal section 15 of the act to legalize the suspension of the Central and Commercial Banks of Alabama.

The report was concurred in.

Mr. Patton reported the bill to prevent all banks and other corporations from paying out or using the bank notes of the banks of other States, with an amendment.

Mr. Bynum moved to strike out 1860, and insert 1859.

Division of the question—first, on striking out, and lost.

Yeas 12, nays 19.

Yeas—Messrs. President, Burnett, Bynum, Deas, Fleming, Jones of Greene, Lindsay, Rather, Rayburn, Storrs, Thaxton and Thompson—12.

Nays—Messrs. Abernathy, Austin, Bullock, Carter, Clitherall, Cocke, Crawford, Felder, Griffin, Heflin, Hill, Horn, Jones of Fayette, McKinne, McSpadden, Mitchell, Patton, Rowe and Woodward—19.

The amendment was adopted.

Mr. Clitherall moved to amend as follows:

Add the words "which have been or may hereafter be incorporated by the General Assembly;" which was adopted.

The bill was referred to the Judiciary committee.

Mr. Patton, from the committee on Banks and Banking, reported favorably on the bill to restrict the issuing or circulating of bills under the denomination of five dollars.

Mr. Lindsay moved to strike out first January '59, and insert first July, 1858; which was lost.

Yeas 3, nays 26.

Yeas—Messrs. President, Bynum and Lindsay—3.

Nays—Messrs. Abernathy, Austin, Bullock, Burnett, Carter, Clitherall, Cocke, Crawford, Deas, Felder, Fleming, Griffin, Heflin, Hill, Jones of Greene, Jones of Fayette, McKinne, McSpadden, Mitchell, Patton, Rather, Rayburn, Rowe, Storrs, Thaxton and Woodward—26.

Mr. Bullock moved to strike out 1859, and insert, 1860.

A division being called, it was first taken on striking out.

Yeas 16, nays 13.

Yeas—Messrs. Austin, Bullock, Carter, Cocke, Felder, Fleming, Griffin, Horn, Jones of Fayette, McKinne, McSpadden, Mitchell, Patton, Rayburn, Storrs and Thaxton—16.

Nays—Messrs. President, Abernathy, Burnett, Bynum, Clith-

erall, Crawford, Deas, Heflin, Hill, Jones of Greene, Lindsay, Rather and Rowe—13.

The question recurred on inserting 1860, and carried.

Yeas 17, nays 14.

Yeas—Messrs. Austin, Bullock, Carter, Cocke, Deas, Felder, Fleming, Griffin, Horn, Jones of Fayette, McKinne, McSpadden, Mitchell, Patton, Rayburn, Storrs and Woodward—17.

Nays—Messrs. President, Abernathy, Agee, Burnett, Byntm, Clitherall, Crawford, Heflin, Hill, Jones of Greene, Lindsay, Rather, Rowe and Thaxton—14.

Mr. Lindsay moved to strike out "five" and insert "ten."

Mr. Bullock moved to lay the amendment on the table.

The Senate then adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY, January 20, 1858.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Mitchell.

The bill from the House to authorize A. D. Cary, judge of probate of Conecuh county, to act as such in a certain case therein named.

Read the first, second and third times, and passed.

Mr. McKinne presented the petition of sundry citizens of Dale county.

Referred to the committee on the Judiciary.

Also, a bill to amend a certain act therein named.

Read the first and second times.

Mr. Cocke moved to amend by extending the provisions of the bill to the counties of Bibb and Butler; which was adopted, and the bill read third time, and passed.

Mr. Felder introduced a bill to establish a board of dental surgeons.

Read first and second times, and referred to the committee on Propositions and Grievances.

Mr. Woodward introduced a bill for the relief of the estate of Abram Pennington, late of Choctaw county.

Read first and second times, and referred to the committee on 16th Sections.

Mr. Cocke introduced a bill to incorporate the Shelby Coal company.

Read first and second times, and referred to the committee on Corporations.

Mr. Crawford, from the committee on the Penitentiary, made the following

## REPORT:

The committee on the Penitentiary, to whom was referred so much of the Governor's message as relates to that institution, have delayed action, for want of the inspectors report, which was not received until a few days ago, have had the whole subject under consideration, and instruct me to report:

That upon so much of the Governor's message as relates to the United States convicts, your committee believe that to be a legal question, and that former leases cannot be effected by the enactment of a law by the present General Assembly. Your committee, however, have framed a bill to amend what they deem a defect in the law in that particular, as also, in some other essential particulars in reference to the leasing policy. Your committee would further say, without attempting to discuss that policy, that the State, in our opinion, is not prepared at this time for a change.

Mr. Crawford also reported :

A bill authorizing the Governor to appoint an agent to settle with Jordan & Moore, lessees of the Penitentiary, &c.; which was read the first and second times, and referred to the committee on the Judiciary.

Mr. Clitherall introduced a bill to regulate the practice in the supreme court, in the argument of cases in said court; which was read.

Mr. Bynum moved to lay the bill on the table; which was carried.

Yeas 18, nays 12.

Yeas—Messrs. President, Agee, Bullock, Bynum, Cocke, Crawford, Deas, Felder, Hill, Horn, Jones of Greene, McKinne, McSpadden, Mitchell, Patton, Rayburn and Storrs—18.

Nays—Messrs. Abernathy, Burnett, Clitherall, Fleming, Heflin, Jones of Fayette, Lindsay, Rather, Rowe, Thaxton, Thompson and Woodward—12.

Mr. Lindsay introduced a bill to endow a Military Professorship in the Southern Polytechnic Institute at La Grange, Alabama.

Read first and second times, and referred to the committee on Education.

The Senate resumed the consideration of the bill to prohibit the circulation of bank notes under five dollars, in this State.

The question pending on the motion to lay Mr. Lindsay's amendment on the table.

The amendment was laid on the table.



Yeas 26, nays 5.

Yeas—Messrs. Abernathy, Agee, Austin, Bullock, Burnett, Bynum, Carter, Cocke, Crawford, Deas, Felder, Fleming, Griffin, Hill, Horn, Jones of Fayette, McKinne, McSpadden, Mitchell, Patton, Rather, Rayburn, Rowe, Storrs, Thaxton and Woodward—26.

Nays—Messrs. President, Clitherall, Heflin, Jones of Greene, and Lindsay—5.

Mr. Horn moved to amend by striking out "five" and inserting "one", in section 1.

Mr. Clitherall moved to lay the amendment on the table.

Carried.

Yeas 17, nays 15.

Yeas—Messrs. President, Abernathy, Agee, Burnett, Clitherall, Cocke, Crawford, Deas, Felder, Hill, Jones of Greene, Jones of Fayette, Patton, Rather, Rowe, Thompson and Woodward.

Nays—Messrs. Austin, Bullock, Bynum, Carter, Fleming, Griffin, Heflin, Horn, Lindsay, McKinne, McSpadden, Mitchell, Rayburn, Storrs and Thaxton.

Mr. Lindsay moved that the bill be indefinitely postponed.

Mr. Felder moved to strike out the third section of the bill.

Mr. Bynum moved to lay the bill and amendment on the table.

A division being called, the question was first taken on laying the amendment on the table, and lost.

The question recurred on laying the bill on the table, and carried.

Yeas 24, nays 8.

Yeas—Messrs. President, Austin, Bullock, Bynum, Carter, Cocke, Felder, Fleming, Griffin, Heflin, Horn, Jones of Greene, Jones of Fayette, Lindsay, McKinne, McSpadden, Mitchell, Patton, Rather, Rayburn, Rowe, Thaxton, Thompson and Woodward—24.

Nays—Messrs. Abernathy, Agee, Clitherall, Crawford, Deas, Hill and Storrs—8.

Mr. Clitherall, from the committee on the Judiciary, reported, a substitute for the bill to alter the hours of public sales by executors, administrators and other officers.

The substitute was adopted, read the third times and passed.

Mr. Bynum, from the committee on Finance and Taxation, reported unfavorably on the bill to regulate the collection of taxes in this State.

The report was concurred in.

Mr. Cocke, from the committee on Corporations, reported favorably on the bill to incorporate the trustees of Hopewell Cemetery.

The bill was read the third time, and passed.

Mr. Rather reported favorably on the bill to incorporate the Alabama and Georgia Railroad company.

The bill was read the third time, and passed.

Mr. Rather, also, reported favorably on the bill to incorporate the South and North Alabama Railroad company.

Mr. Rayburn moved to amend by the addition of other names as directors.

The amendment was adopted, the bill was read the third time, and passed.

Mr. Jones of Fayette, from the committee on County Boundaries, reported unfavorably on the bill to make Wm. W. McCutchen, of Marshall county, a citizens of Jackson county.

The report was concurred in.

Mr. Woodward reported favorably on the bill for the relief of Simon B. Smith, tax collector of Tallapoosa county.

The bill was read the third time and passed.

Mr. Rather reported favorably on the bill to incorporate the Selma and Gulf Railroad company.

The bill was read the third time and passed.

Mr. Lindsay reported adversely on the resolution in relation to the withdrawal of the 16th section funds from the treasury, and its payment to the respective townships.

The report was concurred in.

Mr. Rather reported favorably on the bill to accept of the grant of lands conferred on the State of Alabama, by an act of Congress, &c.

Mr. Lindsay moved to lay the bill on the table.

Yeas 6, nays 23.

Yeas—Messrs. President, Austin, Bullock, Felder, Griffin, Heflin and Lindsay—6.

Nays—Messrs. Abernathy, Burnett, Bynum, Carter, Clitherall, Cocke, Crawford, Deas, Fleming, Hill, Horn, Jones of Greene, Jones of Fayette, McKinne, McSpadden, Mitchell, Patton, Rather, Rayburn, Rowe, Storrs, Thaxton and Woodward—23.

The bill was ordered to a third reading.

Yeas 28, nays 3.

Yeas—Messrs. President, Abernathy, Agee, Bullock, Burnett, Bynum, Clitherall, Cocke, Crawford, Deas, Felder, Fleming, Heflin, Hill, Horn, Jones of Greene, Jones of Fayette, Lindsay, McKinne, McSpadden, Mitchell, Patton, Rather, Rayburn, Rowe, Storrs, Thaxton, Thompson and Woodward—28.

Nays—Messrs. Austin, Clitherall and Griffin—3.

Mr. Thompson reported as correctly enrolled:

An act to provide for the pay of jurors in Pickens county:

An act to authorize Lemuel A. Gilkey, judge of probate of Pickens county, to act as guardian of Walter M. Gilkey, a minor;  
 Joint memorial to Congress, asking that the city of Montgomery be made a port of entry and clearance, &c.

Mr. Bullock reported favorably on the bill to vest certain powers in the commissioners' court of Coosa county.

The bill was read the third time, and passed.

Also reported adversely on the bill to regulate the calling of the dockets in the circuit courts of this State.

Report concurred in.

Also reported favorably on the bill to give the probate court of Dallas county jurisdiction over the estate of Calvin Norris.

The bill was ordered to a third reading.

The bill to compensate Wm. N. Adkinson, of Barbour county, was referred to the committee on Accounts and Claims.

Also favorably on the bill to renew and extend the operations of an act therein named.

The bill was ordered to be engrossed.

Yeas 16, nays 12.

Yeas—Messrs. Agee, Austin, Bullock, Bynum, Carter, Clitherrall, Cocke, Felder, Griffin, Heflin, Jones of Fayette, McKinne, McSpadden, Mitchell, Rayburn, Storrs and Thompson—16.

Nays—Messrs. President, Abernathy, Crawford, Deas, Hill, Jones of Greene, Lindsay, Patton, Rather, Rowe, Thaxton and Woodward—12.

Mr. Rowe reported a bill to compensate certain persons therein named.

Read first, second and third times, rule suspended, and bill passed.

Mr. Bullock reported adversely on the bill to amend sections 2118 and others, of the Code.

Report concurred in.

Mr. Woodward reported adversely on the bill to amend section 397 of the Code; and,

The bill to repeal section 396 of the Code.

The reports were concurred in.

Mr. Woodward reported favorably on the bill to regulate the election of tax assessors.

The bill was ordered to be engrossed.

Mr. Woodward reported adversely on the bill to render the license laws for retailing spirituous liquors more effectual.

The report was laid on the table.

Mr. Cocke moved to amend as follows:

That any person taking out license under the provisions of this act, may be, and is hereby allowed to retail ardent spirits

any where on the rivers of this State, not prohibited by this act ; which was adopted.

Mr. Lindsay moved to lay the bill on the table ; which was lost.

Yeas 15, nays 16.

Yeas—Messrs. Bullock, Bynum, Carter, Felder, Heflin, Hill, Horn, Jones of Greene, Lindsay, McKinne, Mitchell, Rather, Rowe, Thompson and Woodward—15.

Nays—Messrs. President, Abernathy, Agee, Austin, Burnett, Clitherall, Cocke, Crawford, Deas, Fleming, Griffin, Jones of Fayette, McSpadden, Patton, Storrs and Thaxton—16.

Mr. Clitherall moved to amend as follows :

*Provided*, The licenses issued under this act, shall be paid into the State treasury by the person collecting the same ; which was adopted.

Mr. Cocke moved to amend as follows :

*Provided*, That the bar-keepers or persons who take out the license under the provisions of this act, shall cause said license to be put in a frame and placed in such a place in the boat, that all who desire to see it may do so, and in default of doing so, shall pay all costs which may be incurred by a prosecution against such person.

The bill was referred to the committee on the Judiciary.

Mr. Woodward reported adversely on the bill authorizing the qualified voters of Conecuh county to elect a tax assessor for the term of two years.

And the Senate adjourned until to-morrow morning, 10 o'clock.

THURSDAY, January 21, 1858.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Tichenor.

The report of the committee on Finance and Taxation, on the bill to authorize the voters of Conecuh county to elect a tax assessor for two years, was laid on the table, together with the bill.

Mr. Clitherall reported unfavorably on the bill to suspend executions in certain cases.

Mr. Bullock moved to lay the report of the committee on the table.

Yeas 15, nays 17.

Yeas—Messrs. Bullock, Burnett, Carter, Clitherall, Cocke, Griffin, Heflin, Hill, Horn, Lindsay, McKinne, Rayburn, Rowe, Storrs and Thaxton—15.

Nays—Messrs. President, Abernathy, Agee, Austin, Bynum, Clitherall, Crawford, Deas, Felder, Fleming, Jones of Greene,

Jones of Fayette, McSpadden, Patton, Rather and Woodward—17.

The report was concurred in.

Yeas 19, nays 13.

Yeas—Messrs. President, Abernathy, Agee, Austin, Burnett, Bynum, Clitherall, Crawford, Deas, Felder, Fleming, Hill, Jones of Greene, Jones of Fayette, McSpadden, Mitchell, Patton, Rather and Woodward—19.

Nays—Messrs. Bullock, Carter, Cocke, Griffin, Heflin, Horn, Lindsay, McKinne, Rayburn, Rowe, Storrs, Thaxton and Thompson—13.

Mr. Thompson, from the committee on Enrolled Bills, reported as correctly enrolled :

An act to legalize the sale of section sixteen, township three, range six, east, in Jackson county ;

An act to destroy the bills of the State Bank and Branches.

Mr. Rather from the committee on the Judiciary, reported favorably on the bill to enlarge the jurisdiction of the probate courts of the several counties in this State.

Mr. Clitherall moved to amend as follows :

That from any order or decree of said courts of probate, upon a division or partition of property, whether real or personal, an appeal to the supreme or circuit court, within one year, under the rules regulating appeals from said court.

This amendment was withdrawn.

Mr. Rather moved an amendment, which was adopted, to constitute the sixth section of the bill.

The bill was read the third time, and passed.

Mr. Hill reported adversely on the bill to prevent the burning of the woods in Jackson county.

The report was concurred in.

Mr. Rather reported favorably on the bill to authorize the administrators of insolvent estates to maintain actions for the recovery of lands in certain cases.

The bill was read the third time, and passed.

Mr. Bynum, from the committee on Propositions and Grievances, reported a bill to prevent secretaries of insurance offices in certain cases, from acting as adjuster of averages ; which was read the first time.

Mr. Clitherall moved to lay the bill on the table.

Yeas 24, nays 6.

Yeas—Messrs. President, Abernathy, Agee, Austin, Bullock, Burnett, Carter, Clitherall, Deas, Felder, Fleming, Griffin, Heflin, Horn, Jones of Greene, Jones of Fayette, Lindsay, McSpadden,

Mitchell, Patton, Rather, Rowe, Storrs, Thompson and Woodward—24.

Nays—Messrs. Bynum, Cocke, Crawford, Hill, McKinne and Thaxton—6.

Ordered that Mr. Deas be added to the committee on Enrolled Bills.

Mr. Lindsay, from the committee on Education, reported adversely on the bill to render more effectual the system of free public schools in the State of Alabama, approved 14th day of February, 1856.

Mr. Rowe submitted the following

#### MINORITY REPORT :

The minority of the committee on Education, to whom was referred the bill to be entitled "An act to amend a bill to render more efficient the system of free public schools in the State of Alabama," approved on the 14th of February, 1856, dissent from the report of the majority, and ask leave to make a minority report, setting forth the reasons for their action.

The bill approved 14th February, 1856, to render more efficient the system of free public schools, and under which our public schools are now managed, needs amendment in several important particulars.

1st. In paying the townships only 6 per centum annually on their respective 16th section funds, when at law and equity they are entitled to 8 per centum annually, which is hereinafter referred to in this report more fully.

2d. In the distribution of the money raised by taxation among the several counties, so that the money due to the several townships in the State shall not be consolidated in part with the money otherwise distributed to them by the State, which will be more fully explained hereafter.

3d. In causing a county superintendent to be elected for each county, which upon an average costs the people of the different counties an aggregate amount ranging from fifteen to twenty thousand dollars annually. Supposing that each county superintendent receives \$300, the people in the 52 counties in the State have paid them annually the enormous sum of \$15,600 for services that the people of the different counties would have much preferred to have attended to themselves, or to have had their elected trustees in each township attend to for them. The expense of electing the county superintendents every two years on the 1st Monday of May, is an additional expense to the people not included in the above calculation.

4th. In placing over the teachers chosen by the trustees of the different townships a county superintendent, paid as above stated, with power and authority to examine and license the teachers before the trustees can employ them, and with power at any time "of annulling any license granted by him or his predecessors," although the teacher may be doing good service, and although the trustees employing them may be well pleased, and although every man in the township might protest, yet, by the law, the county superintendent is vested with the power of removal, a power inconsistent with the spirit of a free people, and not authorized except where the masses of the people are superstitious, ignorant, and careless of the education of their children. No officer with such arbitrary power should be placed over a free people to dictate to them or their school trustees in the matter of educating their own children. And on this point the minority of your committee think that if the county superintendents have exercised this arbitrary power of removal, or of refusing to license such teachers as the trustees may select for their respective township schools, then this office should be abolished. And on the other hand, if the county superintendents have left that matter to the discretion of the trustees of the various townships, it follows that this office is unnecessary, because the other chief duty of drawing the money for the different townships may as well be performed by the trustees.

The present school law in the 1st section, 1st article, provides for the distribution of the fund, by paying "to each township of the State a sum to be ascertained by multiplying one dollar and fifty cents by the number of children in such township within the educational age, *and deducting from the result the sum annually received by such township from the sale or lease of its 16th section.*" And in the same section, the law provides for the payment of 6 per centum annually on their respective 16th section funds.

The minority of your committee think that the townships are legally and equitably entitled to 8 per centum annually from the State on their respective 16th section funds.

They also think that after paying to the various 16th sections the annual interest of 8 per centum on their respective 16th section funds, the balance of the appropriation by the State should be divided out among all the *counties* of the State according to the *number of children within the educational age within each county in the State.* And that then the appropriations thus made to every county should be divided out within such county, first giving to the *poor townships within the county*, and thereby in some measure make them as near as the funds appropriated as aforesaid to each can do, equal with the rich townships within such county.

The present school law in part consolidates the 16th section funds with the funds otherwise appropriated, and under its operation, if a township is entitled to one dollar and a half for each child within the educational age from its 16th section fund, then such township is entitled to no part of the other appropriation made by the State. A provision of the law clearly *unconstitutional*, as the minority of your committee think, because the 16th section fund belongs to the inhabitants of each township in perpetuity, as has been decided by the supreme court of Alabama, in the case of *Long & Long vs. Brown et al.*, 4th Ala. Rep. 622, and their right to it cannot be divested either *directly* or *indirectly*.

The 4th paragraph, 1st section, of the present school law indirectly divests them of their rights to the 16th section fund in some cases; for instance, what difference does it make under the law to a township whose 16th section fund yields them just one dollar and a half to each child within the educational age?—None; because if the 16th section fund of another township yields nothing, such township receives precisely one dollar and a half from the State to each child within the educational age within the township. So that under the operation of the present school law, a township having a 16th section fund, yielding one dollar and a half to each child therein within the educational age, is in no better condition than a township having no 16th section fund, or of a township the inhabitants of which have squandered or have sold their 16th section land for comparatively nothing.

Now, if the minority of your committee are right in believing that the interest accruing on the 16th section fund belongs to the inhabitants of each township and cannot be *divested*, and our own supreme court is right in deciding that such funds belong to them in *perpetuity*, they are clear in the opinion that the present school law is *unconstitutional* in the distribution of the funds in the manner above illustrated. In the Bill of Rights, Constitution of Alabama, 1st section, 1st article, it is declared that *no man, or set of men*, are entitled to *exclusive privileges* but in consideration of public service. Yet, here we see one set of men, *the inhabitants of one township*, having no 16th section fund, (al-though they may be wealthy) enjoying the *exclusive privilege* of having their children educated in part out of the public treasury of the State, while the inhabitants of another township having a 16th section fund amounting to one dollar and a half for each child within the educational age, which sum was donated to them by the Federal Government, and for which they are not in any way *obliged to the State*, and which is now a *bona fide debt due them* by the State, receives not one cent from the State of Alabama. Yet



they pay their equal portion of the taxes with all the other inhabitants of the State. And under the present law they are forced by the State to pay taxes to assist in educating the children of men in another township for the poor privilege of receiving from their *own State a debt long due to them*. The bill under consideration is designed to alter this feature in the law by paying to the different townships what is legally and equitably due to them from the State, and to divide the money otherwise appropriated among the counties of the State according to the number of children within the educational age in each.— And to prevent the giving money to some rich townships which already receive from their 16th section fund more than sufficient to educate the children in such townships, the bill provides that the money given to *each county* shall be first appropriated among the poor townships in each county, and thus bring them more on an *equality* with the rich townships within the county. This will obviate the constitutional objection and at the same time do justice to *all* the inhabitants of each county. The inhabitants of the rich townships thus receive no money from the State *directly*, except their 16th section fund, but are *indirectly benefitted*, because the poor townships in their county receive *their portions*, and are thus educated; and as the people of the whole county are educated, in a corresponding ratio will the whole county be relieved from expense in building jails, hospitals, paying jurors, &c., and other necessary county expenses for the punishment and prevention of disorders in the county. It is generally, or we might say universally conceded, that the townships of the State are legally entitled, respectively, to the interest accruing on their 16th section funds, and hence the minority of your committee need not refer to the acts of Congress by which the same was donated to them. They think that the *counties respectively* are *equitably entitled* to their proportion of the school funds donated by the State according to the number of children within their county, exclusive of the 16th section funds due the townships within each county; among many other reasons, because the inhabitants in some townships have sold their 16th sections for such sums as manifested a disposition to divert from the true purpose the lands given, and ought not now to tax other portions of the State, and the inhabitants of other townships, to pay for their folly.

While the people of some townships held on to their 16th sections until they realized a handsome amount for them, and now have sufficient funds to educate, for the most part, the children within their townships, as citizens of their respective *counties* should not be deprived of receiving *for the poor* in their own

county their share of the appropriations made by the State; and they also refer to the annexed tabular statement, (which is asked to be received as a part of their report, with leave to refer thereto,) to show that the counties wherein the townships having valuable 16th section funds, pay nearly all the nett amount of the taxes to the State. Charging each county with the amount of money received from the State by way of paying each county's share of the necessary State expenses, appropriations, pay to members, &c., &c., it will be found that the burden of meeting the *school appropriations* falls upon but comparatively few counties of the State. By an examination of the annexed tabular statement, which has been taken from the official documents and records of this State, it will be seen that fifteen counties, composed of Blount, Coffee, Covington, DeKalb, Fayette, Winston, Marion, Marshall, Randolph, Walker, Shelby, St. Clair, Jefferson, Jackson and Cherokee, paid taxes in 1856, \$51,983 92, and received in 1856, from the treasury for schools within their limits, *exclusive* of the 16th section funds belonging to the townships within their borders, the sum of \$61,291 47, being \$9,297 55 more than they paid into the treasury for that year, and having 51,610 children within the educational age. And for the same year fifteen counties, composed of Mobile, Montgomery, Dallas, Greene, Marengo, Macon, Perry, Barbour, Madison, Lowndes, Russell, Chambers, Sumter, Franklin and Tuskaloosa, paid taxes in 1856, \$394,762 74, nearly two thirds of the whole State tax for that year, (the State tax being \$634,360 85,) and the same counties received from the State in 1856, for schools within their limits, *exclusive* of the 16th section funds belonging to the townships within their borders, the sum of \$45,112 12, having paid into the treasury the enormous sum of \$349,650 50 more than *they* received, and having 51,591 children within the educational age. These facts induce the minority of your committee to believe that no injustice *could* be done to the first named fifteen counties, by paying to the second named fifteen counties, *their share* of the school appropriation, *exclusive* of the sixteenth section funds belonging to the different townships within them. By applying the same tests and granting the same privileges to the other twenty-two counties of the State, it will be demonstrated that *no injustice* will be done to *any one* of them by paying out the school money on the plan laid down in the bill under consideration and as above indicated. The bill does not propose to take away one cent that is now given to them under the present law, but does *full justice* to some portions of the State not now receiving it. Another calculation shows that the amount received by the first named fifteen counties, composed of

Blount and the fourteen others, *adding* the 16th section funds to the amounts otherwise paid to them, makes the aggregate sum that the secounties receive from the State, \$68,879 98, being \$16,-896 06, more than they collectively pay into the State treasury in taxes, while the amount thus received by the second named fifteen counties, composed of Mobile, and the fourteen others, *adding* the 16th section funds to the amount otherwise paid to them, makes the aggregate sum that these counties receive from the State, \$97,289 35, being \$297,473 29 less than they collectively pay into the treasury in taxes.

The State accepted the trust of the 15th section lands, for the different townships, upon the same legal and equitable principles of all other trusts, and are as much governed by the *terms* of the trust thus accepted, as any other trustee. The lands were donated by an act of Congress on the 2nd March, 1819. On the 2nd March, 1827, Congress authorized the State to sell the 16th section land "*and to invest the money arising from the sale thereof, in some productive fund, the proceeds of which shall be forever applied*" under the direction of the legislature, for the use and support of schools within the districts of country for which the lands were sold, which sale was to be made with the consent of the inhabitants of the townships. And no funds of one township to be distributed to another.

In 1828, on 15th January, an act was passed by the legislature ordering a vote to be taken, and gave to the inhabitants of the townships a right to vote upon the solitary question of "sale or no sale" of their respective 16th section land. The lands were to be sold on one, two, and three years credit, at 6 per centum per annum interest, and the notes were to be placed in the State Bank, which was to collect them, and after being collected, was to pay to the inhabitants of the townships to whom the money belonged, 6 per cent. interest, *quarterly*. The Bank belonging *exclusively* to the State of Alabama, which was responsible in every way for it. The money remained in the Bank until 1848, when the legislature passed another act, authorizing the issuance to the respective townships, *certificates* showing the amount due to each from the State, on account of its 16th section fund. And the State, its commissioner and trustee, took possession of these funds. The act provided for paying them 6 per cent. interest *semi-annually*. In 1856 the present school law was passed, providing for paying them on this fund 6 per cent. interest *annually*. Thus, it will be seen, that the State, through her legislature, not only did not "*invest the money arising from the sale*" of the land in some productive fund, as by the terms of the act of Congress of 2nd of March, 1827, she was

directed to do ; but that the *funds* were used for the *benefit* of the State, and have continually, year after year, lowered *the rate of interest*, which she first commenced to pay, although the rate first established was lower than the legal rate of interest that is required to be paid by one citizen to another on a debt due ; and which the State became responsible for, *as trustee*, as soon as the trust fund was used by her contrary to the terms of the trust. It is a well settled law that a *trustee using funds contrary to the terms of the trust, or for his own use, becomes liable to the cestui que trust for legal interest, or for the profits of the funds used at the election of the cestui que trust*. If the State can, under these circumstances, force the inhabitants of the townships to take 6 *per cent. interest annually* on the amount due them by the State, the minority of your committee can see no reason why the State could not still decrease the interest to five, four, three, two, or one per cent. interest annually, or lower, and thus rid herself of a debt, and by one legislative enactment, free herself from trouble hereafter, or liability for the same. An act which the minority of your committee believe the State ought not and never will sanction. The general articles of the bill were designed to remedy the objections named in our present school law, and they hope for these, and other reasons, that the bill will be considered and passed, and that thereby the present school law will be amended in the manner indicated.

JOHN ROWE,  
H. B. THOMPSON.

I concur in the above report except, that portion which relates to the county superintendency.

G. W. CARTER.

## TABULAR STATEMENT

*Of Taxes paid by the following named counties; the amount received, and the number of Children in each, in 1856.*

| COUNTIES.       | Amount of Taxes paid by each county in 1856. | Amount of 16th section fund received by each county in 1856. | Amount of appropriations received by each county in 1856, for educational purposes. | Amount of 16th section fund, with appropriations added, received by each county in 1856. |
|-----------------|--|--|---|--|
| Blount .....    | \$ 2,055 61                                  | \$ 256 71  | \$ 4,265 10   | \$ 4,521 81  |
| Coffee .....    | 3,016 20                                     | 152 03   | 4,157 22  | 4,309 25   |
| Covington ...   | 1,336 50                                     | 42 87  | 1,795 51  | 1,838 38   |
| DeKalb .....    | 2,365 81                                     | 330 87   | 4,683 75  | 5,014 62   |
| Fayette .....   | 2,850 58                                     | 567 14   | 4,283 19  | 4,850 33   |
| Winston .....   | 245 85                                       | 22 99  | 1,149 88  | 1,172 87   |
| Marion .....    | 2,251 24                                     | 215 01   | 4,556 24  | 4,771 24   |
| Marshall .....  | 3,679 07                                     | 652 09   | 3,904 98  | 4,557 07   |
| Randolph .....  | 5,032 26                                     | 530 65   | 7,464 24  | 7,994 90   |
| Walker .....    | 1,323 13                                     | 137 96   | 3,228 04  | 3,233 80   |
| Shelby .....    | 5,412 90                                     | 845 42   | 4,143 08  | 4,988 50   |
| St. Clair ..... | 5,607 07                                     | 189 69   | 3,366 93  | 3,556 62   |
| Jefferson ..... | 4,252 94                                     | 964 60   | 3,205 94  | 4,170 84   |
| Jackson .....   | 6,800 74                                     | 1,797 07   | 4,444 08  | 6,439 69   |
| Cherokee .....  | 7,764 02                                     | 910 73   | 6,633 29  | 7,542 02   |
|                 | \$51,983 92                                  | \$ .....   | \$61,281 47   | \$68,879 98  |

Whole number of children in the above named fifteen counties, within the educational age, 51,610.

## TABULAR STATEMENT

*Of Taxes paid by the following named counties; the amount received, and the number of children in each, in 1856.*

| COUNTIES.      | Amount of taxes paid by each county in 1856. | Amount of 16th section fund received by each county in 1856. | Amount of appropriations received by each county in 1856, for educational purposes. | Amount of 16th section fund, with appropriations added, received by each county in 1856. |
|----------------|--|--|---|--|
| Mobile .....   | \$ 60,694 01                                 | .....  | \$ 8,140 00   | \$ 8,140 00  |
| Montgomery..   | 46,249 22                                    | \$ 4,653 21  | 2,640 69  | 7,293 90   |
| Dallas .....   | 35,721 69                                    | 5,913 77   | 650 88  | 6,573 65   |
| Greene .....   | 30,848 38                                    | 4,214 18   | 1,147 33  | 5,361 51   |
| Marengo.....   | 27,973 21                                    | 2,663 37   | 1,513 99  | 4,177 36   |
| Macon.....     | 25,591 22                                    | 3,300 87   | 2,955 92  | 6,256 79   |
| Perry.....     | 22,633 30                                    | 3,152 12   | 3,131 00  | 6,283 12   |
| Barbour.....   | 22,444 65                                    | 1,895 44   | 5,549 21  | 8,003 88   |
| Madison .....  | 21,974 37                                    | 5,119 74   | 2,572 15  | 7,691 89   |
| Lowndes.....   | 20,422 61                                    | 3,726 66   | 1,537 95  | 5,264 61   |
| Russell .....  | 18,873 70                                    | 3,354 61   | 2,483 05  | 5,941 14   |
| Chambers....   | 17,305 87                                    | 2,861 17   | 3,522 95  | 6,384 13   |
| Sumter .....   | 16,703 86                                    | 6,408 83   | 712 53  | 7,121 36   |
| Franklin ..... | 13,993 14                                    | 854 98   | 4,917 51  | 5,772 49   |
| Tuscaloosa ... | 13,323 51                                    | 2,387 50   | 3,637 02  | 6,024 52   |
|                | \$394,762 74                                 | \$.....  | \$45,112 18   | \$97,289 45  |

Whole number of children in the above named fifteen counties, within the educational age, 51,592.

Mr. Clitherall moved to lay the bill and both reports on the table.

Mr. Cocke moved to amend by printing 133 copies of the reports and bill.

Mr. Clitherall moved also to lay this amendment on the table.

A division of the question being called, it was first taken on laying the motion to print on the table, and lost.

Yeas 7, nays 21.

Yeas—Messrs. Austin, Clitherall, Deas, Fleming, Hill, Jones of Fayette—7.

Nays—Messrs. President, Agee, Bullock, Burnett, Bynum, Cocke, Crawford, Felder, Griffin, Heflin, Horn, Jones of Greene, Lindsay, McKinne, Mitchell, Rather, Rayburn, Rowe, Storrs, Thaxton, Thompson and Woodward—21.

Mr. Bynum moved to print 990 copies of the report and bill.

A division of the question being called, it was first taken upon printing the bill, and lost.

Yeas 15, nays 16.

Yeas—Messrs. President, Agee, Bullock, Bynum, Crawford, Deas, Felder, Griffin, Horn, McKinne, Mitchell, Rayburn, Rowe, Thompson and Woodward.

Nays—Messrs. Abernathy, Austin, Burnett, Carter, Clitherall, Cocke, Fleming, Heflin, Hill, Jones of Greene, Jones of Fayette, Lindsay, McSpadden, Patton, Rather and Storrs.

The question recurred on printing 133 copies of the bill, and carried.

Yeas 27, nays 4.

Yeas—Messrs. President, Abernathy, Agee, Austin, Bullock, Burnett, Carter, Clitherall, Cocke, Deas, Felder, Griffin, Heflin, Hill, Horn, Jones of Greene, McKinne, McSpadden, Mitchell, Patton, Rather, Rayburn, Rowe, Storrs and Thompson—27.

Nays—Messrs. Bynum, Fleming, Jones of Fayette and Thaxton—4.

The question again recurred on printing 133 copies of the minority report, and carried.

Yeas 25, nays 7.

Yeas—Messrs. President, Abernathy, Austin, Bullock, Burnett, Bynum, Carter, Cocke, Crawford, Deas, Felder, Griffin, Heflin, Horn, Jones of Greene, McKinne, Mitchell, Rather, Rayburn, Rowe, Storrs, Thaxton, Thompson and Woodward—25.

Nays—Messrs. Agee, Clitherall, Fleming, Jones of Fayette, Lindsay, McSpadden and Patton—7.

The printing of 17 additional copies was ordered by the Senate.

Mr. Patton, from the committee on Internal Improvements

reported favorably on the bill to ammend an act to incorporate the Marengo Plank or Covered Road company.

The bill was laid on the table.

Mr. Bullock reported favorably on the bill to regulate the filing of bills in chancery in certain cases.

The bill was ordered to be engrossed.

The Senate, on motion of Mr. Bynum, adjourned until tomorrow morning, 10 o'clock.

Yeas 18, nays 14.

Yeas—Messrs. Abernathy, Austin, Bynum, Cocke, Crawford, Felder, Griffin, Hill, Horn, Jones of Fayette, Lindsay, McKinne, Mitchell, Rather, Rayburn, Thompson and Woodward—18.

Nays—Messrs. President, Agee, Burnett, Carter, Clitherall, Deas, Fleming, Heflin, Jones of Greene, McSpadden, Patton, Rowe, Storrs and Thaxton—14.

FRIDAY, January 22, 1858.

The Senate met pursuant to adjournment.

The bill from the House:

To incorporate the School in Loachapoka, in Macon county, was read the first, second and third times, rule suspended, and passed.

Yeas 18, nays 7.

Yeas—Messrs. President, Abernathy, Austin, Burnett, Bynum, Carter, Clitherall, Cocke, Crawford, Deas, Felder, Griffin, Hill, Horn, McKinne, McSpadden, Mitchell, Rather, Rayburn—18.

Nays—Messrs. Bullock, Fleming, Heflin, Jones of Greene, Thompson and Woodward—7.

Mr. Felder presented the account of Smith & Hughes.

Referred to the committee on Accounts.

Also, a bill for the relief of J. H. Jarret, of Autauga county. Read first time, and ordered to a second reading.

Mr. Woodward introduced a bill for the relief of Ward P. Lay, of Sumter county.

Read the first and second times, and referred to the committee on Finance and Taxation.

Mr. Mitchell introduced a bill to repeal section 2257 of the Code; which was read the first time.

Mr. Mitchell moved to suspend the rule and read the bill the second time; which was lost.

Yeas 23, nays 8.

Yeas—Messrs. Abernathy, Agee, Austin, Bullock, Burnett, Carter, Cocke, Crawford, Deas, Felder, Griffin, Heflin, Hill, Horn, Lindsay, McKinne, McSpadden, Mitchell, Rayburn, Rowe, Thaxton, Thompson and Woodward—23.



Nays—Messrs. President, Bynum, Clitherall, Fleming, Jones of Greene, Jones of Fayette, Patton and Rather--8.

The bill was ordered to a second reading.

Mr. Clitherall moved to amend the rules of the Senate, as follows:

*Resolved*, That hereafter the Senate shall meet at  $\frac{1}{2}$  past 9 A. M., and adjourn at  $\frac{1}{2}$  past 1, P. M., meet again at 3, P. M., and adjourn at 5, P. M.; which lies over one day.

Mr. Clitherall, from the committee on 16th Sections, reported the bill for the relief of the estate of Abram Pennington, deceased, late of Choctaw county; was read the third time and passed.

Mr. Clitherall introduced a bill to provide for the completion of the revenue laws.

Read the first and second times, and referred to the committee on Finance and Taxation; also,

A petition from S. W. Davidson.

Referred to the committee on the Judiciary.

The bill to locate the county site of Hancock county, was taken up, amended, read third time, and passed.

Mr. Patton introduced a bill to provide for burning the mutilated notes of the Bank of Montgomery, in the comptroller's office.

Read first, second and third times, rule suspended, and passed.

Mr. Clitherall introduced a bill to authorize the commissioners court of Pickens county to refund a certain fine.

Read the first, second and third times, and passed.

Mr. Bynum, from the committee on the Judiciary, reported adversely on the bill to increase the powers of the probate court of Lawrence county.

The report was concurred in.

Mr. Burnett moved to reconsider the vote concurring in the report of the Judiciary committee on the bill to amend section 2118, and others of the Code.

The Senate refused to reconsider.

Mr. Bullock reported the bill authorizing registers in chancery to take acknowledgments of conveyances, with an amendment; which was adopted.

The bill was read the third time, and passed.

Mr. Rather reported the bill to amend the charter of the Alabama and Florida Railroad company, with an amendment; which was adopted.

Mr. Burnett moved to amend as follows:

*Provided*, That the proceeds arising from the sale of any bonds hereafter issued by said company, and endorsed by any company

or companies, shall not be applied to the construction of said railroad between Montgomery and Selma, but shall be, when disposed of, appropriated to the purchase of iron for said road, to be used on that portion of the road between Montgomery and Pensacola, in extending the road in the direction of Pensacola; and,

*Provided further*, That any bonds that may be hereafter issued, or stock subscribed for the building of the road from Montgomery to Selma, shall not be used for the building of the road from Montgomery to Pensacola; which was adopted.

Mr. Felder moved to amend; which was referred, with the bill, to the committee on the Judiciary.

The bill to amend the charter of the Marengo Plank or Covered Road company, was taken from the table.

Mr. Clitherall moved an amendment; which was adopted, and the bill ordered to be engrossed.

The Senate resumed the special order:

The bill to exempt certain property from levy and sale, was postponed until Monday next, at eleven o'clock.

The bill to incorporate a bank, was taken up, together with the following resolution, offered by Mr. Clitherall:

*Resolved*, That it is the sense of the Senate, that no new bank shall be chartered at this session of the General Assembly.

Mr. Rowe moved to lay the resolution on the table; which was lost.

Yeas 13, nays 18.

Yeas—Messrs. Abernathy, Bullock, Carter, Cocke, Crawford, Deas, Griffin, Horn, McKinne, McSpadden, Mitchell, Rowe and Thaxton.

Nays—Messrs. President, Austin, Agee, Burnett, Bynum, Clitherall, Felder, Fleming, Heflin, Hill, Jones of Greene, Jones of Fayette, Lindsay, Patton, Rather, Rayburn, Thompson and Woodward.

The bill to charter a bank, and the resolution, were postponed until Tuesday next, at 11 o'clock.

The Senate proceeded to consider the joint resolutions proposing to change the seal of the State.

Mr. Clitherall moved to amend as follows:

That the Governor be required to procure and submit to the next General Assembly, drawings of seals suitable for a State seal, out of which a selection may be made by the next General Assembly.

Mr. Cocke moved to lay the resolution on the table.

Mr. Fleming moved to include also the bill.

A division of the question was called, it was first taken on laying the bill on the table, and carried.

Yeas 23, nays 8.

Yeas—Messrs. President, Abernathy, Austin, Bynum, Carter, Crawford, Deas, Felder, Fleming, Griffin, Heflin, Hill, Horn, Jones of Greene, Jones of Fayette, McKinne, Mitchell, Patton, Rayburn, Rowe, Thaxton, Thompson and Woodward—23.

Nays—Messrs. Agee, Bullock, Burnett, Clitherall, Cocke, Lindsay, McSpadden and Rather—8.

The bill to appropriate a part of the two per cent. fund, was postponed until Monday next, at 11 o'clock, and made the special order for that hour.

The Senate resumed the consideration of the bill to incorporate the La Fayette Insurance company.

Mr. Clitherall moved to amend as follows:

*Provided*, That the General Assembly shall have power to repeal or modify this charter.

Yeas 18, nays 12.

Yeas—Messrs. President, Agee, Austin, Burnett, Bynum, Clitherall, Fleming, Heflin, Hill, Jones of Greene, Jones of Fayette, Lindsay, Rather, Rayburn, Rowe, Thaxton, Thompson and Woodward.

Nays—Messrs. Abernathy, Bullock, Carter, Cocke, Crawford, Deas, Felder, Horn, McKinne, McSpadden, Mitchell and Storrs.

The Senate refused to pass the bill.

Yeas 15, nays 17.

Yeas—Messrs. Bullock, Burnett, Carter, Clitherall, Crawford, Felder, Griffin, Hill, Horn, McKinne, McSpadden, Mitchell, Patton, Rather, Rayburn, Thaxton and Thompson—15.

Nays—Messrs. President, Abernathy, Agee, Austin, Cocke, Deas, Fleming, Heflin, Jones of Greene, Jones of Fayette, Lindsay, Rather, Rayburn, Rowe, Thaxton and Thompson—17.

The bill to incorporate the Gadsden Insurance company, was next considered.

Mr. Lindsay moved to postpone the bill indefinitely; which was carried.

Yeas 18, nays 14.

Yeas—Messrs. President, Agee, Austin, Bynum, Cocke, Deas, Fleming, Heflin, Horn, Jones of Greene, Jones of Fayette, Lindsay, McKinne, Rather, Rayburn, Rowe, Thaxton and Thompson—18.

Nays—Messrs. Abernathy, Bullock, Burnett, Carter, Clitherall, Felder, Griffin, Hill, McSpadden, Mitchell, Patton, Storrs and Woodward—14.

Mr. Agee moved that the Senate adjourn until to-morrow morning, at 10 o'clock; which was lost.

Mr. Clitherall moved to adjourn to  $\frac{1}{4}$  past 3, P. M.

Carried.

And the Senate accordingly adjourned.

#### AFTERNOON SESSION.

The Senate met pursuant to adjournment.

The bill to incorporate the Marion Insurance and Trust company, was indefinitely postponed, having been amended on motion of Mr. Clitherall, to give the General Assembly power hereafter to modify or repeal the charter.

The bill to incorporate the Eufaula Insurance company; and,

The bill to incorporate the Lubbub Insurance company, after being amended in the same way, were indefinitely postponed.

Yeas 16, nays 7.

Yeas—Messrs. President, Abernathy, Austin, Bynum, Fleming, Heflin, Horn, Jones of Greene, Jones of Fayette, Lindsay, McKinne, Mitchell, Rather, Rayburn, Rowe and Thaxton—17.

Nays—Messrs. Bullock, Burnett, Bynum, Clitherall, Felder, Hill, McSpadden and Woodward—7.

The Senate resumed the consideration of the bill to amend section 3249 of the Code.

Mr. Bynum moved to amend as follows:

And in the event the party thus fined shall fail to pay or secure the fine so assessed, he shall be imprisoned in the penitentiary for two years; which was adopted.

Yeas 25, nays 1.

Yeas—Messrs. President, Abernathy, Austin, Bullock, Burnett, Bynum, Carter, Clitherall, Crawford, Deas, Felder, Fleming, Griffin, Heflin, Hill, Horn, Jones of Greene, McKinne, McSpadden, Mitchell, Patton, Rather, Rayburn, Rowe, Thaxton and Thompson—25.

Nays—Mr. Gillin.

Mr. Lindsay moved to lay the bill on the table.

Yeas 4, nays 23.

Yeas—Messrs. Griffin, Lindsay, Rowe and Woodward—4.

Nays—Messrs. President, Abernathy, Austin, Bullock, Bynum, Clitherall, Crawford, Deas, Felder, Fleming, Heflin, Hill, Horn, Jones of Greene, Jones of Fayette, McKinne, McSpadden, Mitchell, Patton, Rather, Rayburn, Thaxton and Thompson—23.

Mr. Lindsay moved to strike out \$500, and insert \$250; strike out 5,000, and insert 2,500; which was lost.

Yeas 6, nays 23.

Yeas—Messrs. Bullock, Horn, Lindsay, McKinne, Rowe and Thaxton—6.

Nays—Messrs. President, Abernathy, Agee, Austin, Burnett, Bynum, Clitherall, Crawford, Deas, Felder, Fleming, Griffin, Heflin, Hill, Jones of Greene, McSpadden, Mitchell, Patton, Rather, Rayburn, Storrs, Thompson and Woodward—23.

Mr. Lindsay moved to strike out 5,000, and insert 2,500; which was lost.

The amendment of the committee was adopted.

Yeas 26, nays 1.

Yeas—Messrs. President, Abernathy, Agee, Austin, Bullock, Bynum, Burnett, Carter, Clitherall, Cocke, Crawford, Deas, Felder, Fleming, Heflin, Hill, Horn, Jones of Greene, McKinne, McSpadden, Mitchell, Patton, Rather, Rayburn, Storrs, Thaxton, Thompson and Woodward—26.

Nays—Mr. Griffin.

The bill was ordered to be engrossed.

The Senate refused to adjourn until 10 o'clock, A. M.

Yeas 12, nays 20.

Yeas—Messrs. President, Agee, Austin, Bullock, Bynum, Fleming, Horn, Rather, Rayburn, Storrs, Thompson and Woodward—12.

Nays—Messrs. Abernathy, Burnett, Carter, Clitherall, Cocke, Crawford, Deas, Felder, Griffin, Heflin, Hill, Jones of Greene, Jones of Fayette, Lindsay, McKinne, McSpadden, Mitchell, Patton, Rowe and Thaxton—20.

Mr. Thompson reported as correctly enrolled

An act for the relief of J. J. Sublett, jailor of Jackson county ;

To amend section 1132 of the Code ;

To prevent the retail of spirituous liquors within two miles of the Baptist Church, near Pine Level, in Montgomery county.

The engrossed bills :

To amend section 3500 of the Code ;

To amend section 1860 of the Code ;

To amend sections 2451 and 2605 of the Code ;

For the relief of John D. Price ;

To give the probate court of Dallas county jurisdiction on the estate of Calvin Norris, deceased, were severally read the third time and passed.

The bill to accept the grant and carry into execution the trust conferred upon the State of Alabama, by an act of Congress, &c., was laid on the table.

The bill to extend the operation of an act therein named ; and,

The bill to amend section 1537 of the Code ; were severally read the third time and passed.

The following bills were referred to the committee on the Judiciary :

To authorize the probate judge of Montgomery county to take jurisdiction of the estate of Green W. Cole ;

To amend the law in relation to sales of cotton by factors in the city of Mobile ;

The bill to regulate the filing of bills in chancery in certain cases, was read the third time and passed.

The bill to repeal section 2806, so far as relates to the county of Sumter, was referred to the Judiciary committee.

To authorize the commissioners of Baldwin county to establish an election precinct in said county.

The bill to extend the Fall term of the circuit court of Talladega county ; read the first, second and third times, rule suspended, and passed. Also,

The bill to create an additional company beat, and an additional precinct, in the county of Marshall.

The bill for the relief of Lewis M. Simpson, was referred to the committee on 16th Sections.

The bill to amend the estray law in Baldwin county, was read the first, second and third times, rule suspended, and passed.

The bill to amend the law in regard to summoning witnesses in Marengo ; read first, second and third times, and passed.

The bill to give Mrs. Minnie Bland control of a certain estate, was laid on the table.

The bill to authorize L. A. Watson to keep a ferry without a license, was read the second time, and referred to the committee on Roads, Bridges and Ferries.

The bill to amend an act therein named, incorporating the White Plume Riflemen, was read the first, second and third times, and passed.

Also, the bill to authorize James H. Weaver to have the roof of the Capitol repaired ; and,

The bill to pay witnesses before grand juries ; caption amended.

The bill to establish a company beat in Blount county, was read the first, second and third times, and passed.

To consolidate the office of tax collector and assessor in the county of Bibb ; read the first and second times, and referred to the committee on Finance.

The bill to increase the jurisdiction of justices of the peace in certain cases ; referred to the committee on the Judiciary.

The bill to change the mode of electing the county treasurer

and county surveyor of the county of Butler; read first, second and third times, and passed.

The bill to make Sarah E. Teague a free dealer, was laid on the table.

The bill to incorporate the trustees of the "Pushmataha School," in the county of Choctaw, was referred to the committee on Corporations.

To regulate the drawing of grand juries in Marion county; read the first and second times, and referred to the committee on the Judiciary.

To repeal certain sections of an act therein named; referred to the senator from Shelby and Jefferson.

To define the boundaries of the town of Jasper, in the county of Walker; read first, second and third times, and passed.

The bill for the relief of Davis, Stratford & Dillard, was referred to the committee on Accounts.

Message from the Governor, by Mr. Phelan:

Mr. President: His Excellency, the Governor, has approved bills of the following titles:

To provide for the pay of jurors in Pickens county;

To destroy the bills of the State Bank and Branches;

To legalize the sale of section 16, township 3, range 6, east, in Jackson county; also,

Joint resolutions providing for the call of a convention in case Kansas is refused admission into the Union;

An act to amend the act of February 15, 1856, authorizing the issuance of attachments out of chancery courts;

An act to create an additional company beat in Jackson county;

An act for the relief of witnesses and jurors in certain cases therein specified;

An act to authorize the probate judge of Lawrence county, to appoint Win. S. Puryear administrator, &c.;

To accept the grant and carry into execution the trust conferred upon the State of Alabama, by an act of Congress, granting public lands in alternate sections, to aid in the construction of certain railroads;

An act to authorize Lemuel A. Gilkey, judge of probate of Pickens county, to act as guardian of Walter M. Gilkey, a minor; also,

A resolution requesting that Lieutenant Maury be restored to his former standing in the Navy.

Joint memorial to the Congress of the United States;

Joint memorial to Congress, asking that the city of Montgomery be made a port of entry, &c.

And the Senate adjourned until to-morrow morning, 10 o'clock.

SATURDAY, January 23, 1858.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Shaver.

Mr. Storrs reported the bill to amend the charters of the several plank roads therein designated, with amendments; which were adopted.

The bill was read the third time and passed.

Mr. Clitherall reported the bill for the relief Lewis M. Simpson.

Bill read third time and passed.

Mr. Storrs reported adversely to the bill concerning life insurance.

Report concurred in.

Mr. Clitherall introduced a bill to provide for the payment of delegates to the convention to be called by the Governor of Alabama.

Bill read the first and second times and referred to the Judiciary committee.

Mr. Storrs, from the committee on the Judiciary, reported the bill to provide for the payment of jurors in Jefferson county.

Rule suspended, bill read third time and passed.

Mr. Storrs, from same committee, reported the bill to emancipate a certain slave, named Daphne.

The committee unanimously recommended the passage of the bill, because of her faithful services to the citizens of Mobile, during times of pestilence.

Mr. Fleming moved to lay the bill on the table.

Yeas 13, nays 18.

Yeas—Messrs. President, Bullock, Burnett, Fleming, Griffin, Heflin, Jones of Greene, McSpadden, Lindsay, Patton, Thaxton and Thompson—13.

Nays—Messrs. Abernathy, Agee, Austin, Bynum, Carter, Clitherall, Cocke, Crawford, Deas, Felder, Hill, Horn, Jones of Fayette, McKinne, Mitchell, Rather, Rowe and Storrs—18.

The bill was ordered to be engrossed.

Message from the House, by Mr. Elmore, informing the Senate of the passage of a bill by the House of Representatives, to provide for annual sessions of the General Assembly.

Mr. Rowe gave notice that he would move to reconsider all the votes refusing to pass the bills to incorporate various insurance companies, on yesterday.

Mr. Bynum gave notice that he would move to reconsider the vote taken on yesterday, on the bill to incorporate the Eutaw Insurance company.

Mr. Rather reported adversely on the bill to incorporate the Slack Water Navigation company.



The report was concurred in.

Mr. Rather reported the joint resolutions designating the application of certain lands granted by Congress to the State of Alabama, with an amendment; which was concurred in, resolutions read the third time, and passed.

Mr. Rather also reported adversely on the bill to appropriate a portion of the three per cent. funds to the N. E. and S. W. and Wills Valley Railroad.

Mr. Jones, of Greene, moved to postpone the consideration of the bill until Tuesday next.

Mr. Thompson reported as correctly enrolled, an act to amend an act to incorporate the Elba Insurance company, of Coffee county, approved February 7th, 1856;

To regulate the registration of claims against the counties of DeKalb and Marshall; and,

An act to regulate the probate court of Franklin county.

The House bills :

To extend the jurisdiction of the probate court in certain cases; read, and ordered to a second reading.

To regulate the time for taking up the State docket for the trial of causes in the fourth circuit, was read first, second and third times, rule suspended, and passed.

The amendment of the House to the bill to provide for the election of trustees, was concurred in.

The Senate receded from its amendment to the bill for the relief of certain persons therein named;

The bill to amend the charter of the Marengo Plank or Covered Road company, was read the third time.

Mr. Clitherall moved to amend :

*And provided*, That the assent of the sureties to the bond heretofore given, on the loan by the State to said company, be filed with the comptroller before this act takes effect.

The bill was passed.

The bill for the relief of J. H. Jarret, of Autauga county, was referred to the committee on the Judiciary;

The bill to repeal section 2257 of the Code, was read the second time.

Mr. Lindsay moved to lay the bill on the table.

Carried.

Yeas 16, nays 15.

Yeas—Messrs. President, Abernathy, Agee, Bynum, Burnett, Clitherall, Deas, Hill, Jones of Greene, Jones of Fayette, McSpadden, Patton, Rather, Rayburn and Woodward—16.

Nays—Messrs. Bullock, Carter, Cocke, Felder, Fleming, Grif-

fin, Heflin, Horn, Lindsay, McKinne, Mitchell, Rowe, Storrs, Thaxton and Thompson—15.

The bill from the House to provide for annual sessions of the General Assembly, was read the first time.

Mr. Lindsay moved to suspend the rule, and read the bill the second time.

Carried.

Yeas 25, nays 6.

Yeas—Messrs. Abernathy, Agee, Austin, Bullock, Burnett, Bynum, Carter, Cocke, Deas, Felder, Griffin, Heflin, Hill, Horn, Jones of Greene, Jones of Fayette, Lindsay, McKinne, McSpadden, Mitchell, Rather, Rayburn, Thaxton, Thompson and Woodward—25.

Nays—Messrs. President, Clitherall, Crawford, Fleming, Patton and Rowe—6.

The bill was read the second time.

Mr. Bynum moved to amend as follows:

*Provided*, That the first session of the legislature to be held under this act, shall not convene until the 2d Monday in November, 1859.

The amendment was laid on the table.

Yeas 17, nays 15.

Yeas—Messrs. Abernathy, Agee, Austin, Carter, Clitherall, Cocke, Deas, Felder, Griffin, Horn, Lindsay, Mitchell, Patton, Rayburn, Thaxton, Thompson and Woodward—17.

Nays—Messrs. President, Bullock, Burnett, Bynum, Crawford, Fleming, Heflin, Hill, Jones of Greene, Jones of Fayette, McKinne, McSpadden, Rather, Rowe and Storrs—15.

Mr. Clitherall moved to amend by way of substitute, providing for annual elections, annual sessions, and limiting the sessions to forty days.

Mr. Agee moved the previous question; which was sustained.

Yeas 21, nays 9.

Yeas—Messrs. Abernathy, Agee, Austin, Bullock, Bynum, Carter, Crawford, Deas, Felder, Heflin, Hill, Horn, Jones of Greene, Jones of Fayette, Lindsay, McKinne, McSpadden, Mitchell, Thaxton, Thompson and Woodward—21.

Nays—Messrs. President, Clitherall, Fleming, Griffin, Patton, Rather, Rayburn, Rowe and Storrs—9.

The bill was ordered to a third reading.

Yeas 20, nays 11.

Yeas—Messrs. Abernathy, Agee, Austin, Bullock, Bynum, Carter, Crawford, Deas, Felder, Heflin, Hill, Horn, Jones of Fayette, Lindsay, McKinne, McSpadden, Mitchell, Rather, Thaxton and Thompson—20.

**Nays**—Messrs. President, Burnett, Clitherall, Fleming, Griffin, Jones of Greene, Patton, Rayburn, Rowe, Storrs and Woodward—11.

And the Senate adjourned until 10 o'clock, Monday morning.

MONDAY, January 25, 1857.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Hill.

Mr. Agee introduced a bill for the relief of George G. Morriett, of Monroe county; read first, second and third times, rule suspended, and passed.

Mr. Horn introduced a bill to authorize the commissioners' court of Coffee county to pay James D. McLean; read first, second and third times, and passed.

Message from the Governor, by Mr. Phelan:

Mr. President: The Governor has approved of bills of the following titles:

An act for the relief of J. J. Sublett, jailor of Jackson county;

An act to amend section 1132 of the Code.

Mr. Horn introduced a bill to exempt practising physicians from working on roads; read first and second times, and referred to the committee on Roads, Bridges and Ferries.

Mr. Bullock: A bill to authorize the election of an additional constable in beat number 7, in the county of Barbour; read first, second and third times, rule suspended, and passed.

Mr. Griffin: A bill to make Wills Goodwin, of Russell county, a title to certain lands in said county; read first, and ordered to a second reading.

Mr. Felder: A bill to authorize legal sales of the city of Montgomery in the public square; read first, second and third times, rule suspended, and passed.

Mr. Woodward: To extend the Spring term of the circuit court of Choctaw county; read first and second times, and referred to a select committee, Messrs. Agee, Deas and Woodward.

Also; a bill to compensate the county assessor of the county of Choctaw; read and ordered to a second reading.

Mr. Crawford, from a select committee, reported a bill to reorganize the judicial circuits of the State; read first and second times.

Mr. Felder moved to lay the bill on the table.

Lost.

Yeas 9, nays 22.

**Yeas**—Messrs. Austin, Bynum, Cocke, Felder, Griffin, Jones of Fayette, Rather, Thaxton and Woodward—9.

**Nays**—Messrs. President, Abernathy, Agee, Bullock, Burnett,

Carter, Clitherall, Crawford, Deas, Fleming, Hill, Horn, Jones of Greene, Lindsay, McKinne, McSpadden, Mitchell, Patton, Rayburn, Rowe, Storrs and Thomdson—22.

The vote on the bill concerning life insurance, concurring in the adverse report of the committee, was reconsidered, and the bill referred to the committee on the Judiciary.

The Senate proceeded with the bill to re-organize the judicial circuits.

The bill was amended by striking out the word "now," where it occurs in the bill.

Mr. Griffin moved to strike out "Russell."

Lost.

Yeas 6, nays 21.

Yeas—Messrs. Bynum, Cocke, Griffin, Jones of Fayette, Lindsay and Thompson—6.

Nays—Messrs. President, Abernathy, Agee, Bullock, Burnett, Clitherall, Cocke, Crawford, Felder, Fleming, Hill, Horn, McKinne, McSpadden, Mitchell, Patton, Rather, Rayburn, Rowe, Storrs and Woodward—21.

Mr. Mitchell moved to strike out "two," and insert "three," in reference to Chambers county; which was carried, and the bill amended to correspond.

Mr. Bullock moved to amend as follows:

"And the solicitor of the second judicial circuit as heretofore constituted, shall continue to act as solicitor of the tenth judicial circuit until the expiration of his present term of service"; which was adopted.

Mr. Clitherall moved to amend as follows:

The amendment was laid on the table, to-wit:

"And the salary of the attorney general shall be \$1,000, besides the fees allowed by law."

Yeas 28, nays 2.

Yeas—Messrs. President, Abernathy, Agee, Austin, Bullock, Burnett, Bynum, Carter, Cocke, Crawford, Deas, Fleming, Griffin, Hill, Horn, Jones of Greene, Jones of Fayette, Lindsay, McKinne, McSpadden, Mitchell, Patton, Rather, Rayburn, Rowe, Storrs, Thaxton and Thompson—28.

Nays—Messrs. Clitherall and Felder—2.

Mr. Bullock moved to amend as follows, to come in at the end of section 4:

"And to the election of a judge of the eighth judicial circuit, as therein constituted, on the first Monday in May, 1858"; which was adopted.

The bill was ordered to be engrossed.

Yeas 20, nays 10.

Yeas—Messrs. President, Agee, Bullock, Burnett, Bynum, Carter, Crawford, Deas, Fleming, Horn, Jones of Greene, Lindsay, McKinne, McSpadden, Mitchell, Patton, Rayburn, Rowe, Storrs and Thompson—20.

Nays—Messrs. Austin, Clitherall, Cocke, Felder, Griffin, Hill, Jones of Fayette, Rather, Thaxton and Woodward—10.

Mr. Abernathy introduced a bill to change the name of "Benton" county to "Calhoun"; read first, second and third times, rule suspended, and bill passed.

Yeas 31.

Yeas—Messrs. President, Abernathy, Agee, Austin, Bullock, Burnett, Bynum, Carter, Clitherall, Cocke, Crawford, Deas, Felder, Fleming, Griffin, Hill, Horn, Jones of Greene, Jones of Fayette, Lindsay, McKinne, McSpadden, Mitchell, Patton, Rather, Rayburn, Rowe, Storrs, Thaxton and Thompson—31.

Mr. Clitherall: to provide for an additional number of bailiffs to attend the circuit courts; read first and second times, and referred to the Judiciary committee.

Mr. Lindsay: a bill to extend the lien of attorneys and solicitors; read.

Mr. Bynum moved to lay the bill on the table.

Carried.

Yeas 21, nays 10.

Yeas—Messrs. President, Abernathy, Austin, Bynum, Carter, Cocke, Deas, Felder, Fleming, Hill, Horn, Jones of Greene, Jones of Fayette, McKinne, McSpadden, Mitchell, Patton, Rather, Rowe, Thompson and Woodward—21.

Nays—Messrs. Agee, Bullock, Burnett, Clitherall, Crawford, Griffin, Lindsay, Rayburn, Storrs and Thaxton—10.

Mr. Thompson reported as correctly enrolled,

An act to incorporate the John M. Moore Copper Mining company;

An act to incorporate the Synod of Alabama.

Mr. Fleming, from the committee on the Military, reported a bill to amend the Military Code of Alabama, &c.; read the first and second times.

Mr. Fleming also made the following report:

The committee on the Military, to whom was referred a resolution relative to the military laws, beg leave to report that all the information they have been enabled to collect on the subject is contained in the "Military Code of the State of Alabama," adopted by joint resolution of the General Assembly on the 10th February, 1852. They beg leave to state further, that in reference to the resolution requiring the committee to report to the

Senate the situation of the arms, ordnance, and camp equipage of this State, showing the number and kind of muskets, rifles, swords, cavalry pistols, and side arms, the number of pieces of ordnance, and their calibre, and whether mounted or not; also, the number of gun carriages; also to report what schools and academies have received arms from the State, and the condition of the same; also the amount of ammunition, and whether cartridges or powder, and the number of cannon balls. And furthermore, to take into consideration that portion of the late Governor's message in relation to a State arsenal, with leave to report by bill or otherwise; that the report of the quarter master general made to the chairman of your committee accompanying this report, is the only information they have in relation to the subject of the said resolution, so far as it relates to the arms, &c., are concerned. In reference to that portion of the late Governor's message, in reference to a State arsenal, the committee would recommend the passage of an act authorizing the quarter master general to rent an arsenal in this city for the present. In connection with this subject the committee report the bill above mentioned, and recommend its passage.

WILLIAM FLEMING,  
Chairman.

The bill and report were made the special order for to-morrow, 10½ o'clock.

Mr. Cocke introduced a bill to repeal an act to compel certain persons in Bibb county to work on public roads.

Read first, second and third times, and passed.

The report in regard to the Insane Asylum was taken from the table and referred to a select committee, of which, on motion of Mr. Patton, the President of the Senate was made chairman.

The bill for the relief of Mrs. Minnie Bland, was taken from the table, and placed among the orders.

And the Senate adjourned until to-morrow morning, 10 o'clock.

TUESDAY, January 26th, 1858.

The Senate met pursuant to adjournment.

Prayer by the Rev. Bishop Cobbs.

Mr. Bullock introduced a bill to amend section 1721 of the Code.

Read first and second times, and referred to the Judiciary committee.

Mr. Woodward : a bill to authorize the removal of the estate of Anson R. Bracket, a minor, &c.

Read first and second times, and referred to committee on Judiciary.

Mr. Jones, of Greene : a bill to change the time of holding the circuit court of Marengo.

Read first and second times, and laid on the table ; taken up, read third time, and passed.

Mr. Crawford : a bill amendatory of an act to render more efficient the system of free public schools, in the State of Alabama.

Read first and second times, and referred to the committee on Education.

Mr. Hill : a bill to repeal a certain act therein named.

Read first and second times, and referred to the committee on Propositions and Grievances.

Mr. Clitherall : a bill to amend the charter of the town of Orrville.

Read first and second times, and laid on the table.

Mr. McSpadden : a bill to incorporate the Cherokee Coal, Iron and Wood Manufacturing company.

Read first and second times, and referred to committee on Judiciary.

Mr. Rayburn : a bill to repeal an act to incorporate the town of Guntersville, in the county of Marshall.

Read first time, and ordered to a second reading.

Mr. Patton : a bill to incorporate the town of Rodgersville, in the county of Lauderdale.

Read first and second times, and referred to committee on Corporations.

Mr. President laid before the Senate the report of superintendent of education on the contingent fund.

Referred to the committee on Education.

Mr. Thompson reported as correctly enrolled :

An act for the relief of the administrators of the estate of Richard Long, late of Pickens county, deceased ;

To ratify and confirm the lease made by the trustees of the University of Alabama, of the old State House, at Tuscaloosa.

The Senate took up the special order, it being the bill to amend the Military Code of Alabama, &c.

Mr. Bynum moved to lay the bill on the table.

Lost.

Yeas 5, nays 22.

Yeas—Messrs. Austin, Bynum, McKinne, Mitchell and Woodward—5.

Nays—Messrs. Abernathy, Bullock, Burnett, Carter, Clitherall, Cocke, Crawford, Deas, Felder, Fleming, Griffin, Hill, Horn, Jones of Greene, Jones of Fayette, Lindsay, McSpadden, Patton, Rather, Rowe and Thaxton—22.

Mr. Clitherall moved to strike out so much as requires the Governor to review the militia; which was carried.

Yeas 21, nays 7.

Yeas—Messrs. President, Agee, Austin, Burnett, Carter, Clitherall, Cocke, Crawford, Deas, Hill, Horn, Jones of Greene, Jones of Fayette, Lindsay, McKinne, McSpadden, Mitchell, Patton, Rowe, Thaxton and Woodward—21.

Nays—Messrs. Abernathy, Bullock, Bynum, Felder, Fleming, Griffin and Rather—7.

The bill was read the third time, and passed.

Yeas 22, nays 7.

Yeas—Messrs. President, Abernathy, Agee, Bullock, Burnett, Carter, Clitherall, Cocke, Crawford, Deas, Fleming, Griffin, Hill, Jones of Greene, Jones of Fayette, Lindsay, Mitchell, Rather, Rowe, Storrs, Thaxton and Woodward—22.

Nays—Messrs. Austin, Bynum, Felder, Horn, McKinne, McSpadden and Rayburn—7.

The Senate resumed the consideration of the next special order, it being the bill to exempt a negro slave and her increase from execution.

Mr. Jones, of Greene, moved to suspend the special order, to receive reports from committees; which was carried.

Yeas 15, nays 13.

Yeas—Messrs. Abernathy, Austin, Bullock, Bynum, Carter, Cocke, Crawford, Deas, Felder, Griffin, Jones of Greene, Jones of Fayette, Rayburn, Storrs and Woodward—15.

Nays—Messrs. Agee, Burnett, Clitherall, Fleming, Hill, Horn, Lindsay, McKinne, McSpadden, Mitchell, Rather, Rowe and Thaxton—13.

The Senate resumed the consideration of the bill to appropriate a portion of the three per cent. fund to the North East and South West and Wills Valley Railroad, the question pending on the adverse report of the committee.

Mr. Rowe moved to lay the bill on the table; which was lost.

Yeas 15, nays 15.

Yeas—Messrs. Austin, Bullock, Burnett, Cocke, Crawford, Felder, Fleming, Griffin, Horn, Lindsay, McKinne, Mitchell, Patton and Rowe—15.

Nays—Messrs. President, Abernathy, Bynum, Carter, Clitherall, Deas, Hill, Jones of Greene, Jones of Fayette, McSpadden, Rather, Rayburn, Storrs, Thaxton and Woodward—15.



Mr. Jones, of Greene, moved to lay the report of the committee on the table.

Lost.

Yeas 14, nays 16.

Yeas—Messrs. President, Abernathy, Carter, Clitherall, Cocke, Deas, Hill, Jones of Greene, McSpadden, Rather, Rayburn, Storrs, Thaxton and Woodward—14.

Nays—Messrs. Austin, Bullock, Burnett, Bynum, Crawford, Felder, Fleming, Griffin, Horn, Jones of Fayette, Lindsay, McKinne, Mitchell, Patton, Rowe and Thompson—16.

Mr. Lindsay moved the previous question; which was not sustained.

Yeas 12, nays 18.

Yeas—Messrs. Bullock, Burnett, Crawford, Felder, Fleming, Griffin, Horn, Lindsay, McKinne, Mitchell, Rowe and Thompson—12.

Nays—Messrs. President, Abernathy, Agee, Bynum, Carter, Clitherall, Cocke, Deas, Hill, Jones of Greene, Jones of Fayette, McSpadden, Patton, Rather, Rayburn, Storrs, Thaxton and Woodward—18.

The bill and report were referred to a select committee, composed of one from each congressional district: Messrs. McSpadden, Deas, Burnett, Carter, Jones of Greene, Rather and Hill.

Mr. Patton moved to suspend the general orders.

Carried.

Yeas 19, nays 9.

Yeas—Messrs. President, Abernathy, Agee, Bullock, Bynum, Carter, Cocke, Crawford, Deas, Griffin, Jones of Greene, McSpadden, Patton, Rather, Rayburn, Rowe, Storrs, Thompson and Woodward—19.

Nays—Messrs. Clitherall, Felder, Fleming, Hill, Jones of Fayette, Lindsay, McKinne, Mitchell and Thaxton—9.

Mr. Cocke, from the committee on Inland Navigation, reported favorably on the bill to invest and dispose of the two per cent. fund.

Mr. Lindsay moved to refer the bill to a select committee.

Message from the Governor, informing the Senate that he had approved:

An act to incorporate the trustees of the Synod of Alabama; and,

An act to incorporate the John M. Moore Copper Mining company.

Mr. Fleming moved to adjourn until this afternoon, at 3½ o'clock.

Mr. Clitherall moved to adjourn till to-morrow, at 10 o'clock ; which was carried, and the Senate accordingly adjourned.

JANUARY 27th, 1858.

The Senate met pursuant to adjournment.

Mr. Horn introduced a bill to provide for the protection of property in cases of survey of lands ; which was read first and second times, and referred to the committee on the Judiciary.

Mr. Bullock reported favorably on the bill to repeal an act to

Bill read third time, and passed.

increase the pay of jurors in Macon county.

Mr. President (Mr. Rather in the chair) introduced a bill to alter and amend the charter of the town of Camden, in Wilcox county.

Read the first and second times, and referred to the committee on Corporations.

The bill to amend the law in relation to admission to practice in the courts of this State, was taken from the table, read the third time, and passed.

Mr. Cocke introduced a bill to provide additional trustees for Howard College.

Read first, second and third times, rule suspended, and passed.

The bill to amend the charter of the town of Orrville, was taken from the table.

Mr. Burnett moved to amend by striking out " three " before miles, and insert " one and a-half."

Lost.

The bill was read the third time, and passed.

Mr. Clitherall introduced a bill for the improvement of the supreme court library.

Read first, second and third times, and passed.

Yeas 18, nays 10.

Yeas—Messrs. President, Agee, Bullock, Carter, Clitherall, Cocke, Crawford, Griffin, Hill, Horn, Jones of Greene, Lindsay, McKinne, McSpadden, Patton, Rowe, Storrs and Woodward—18.

Nays—Messrs. Abernathy, Austin, Bynum, Felder, Fleming, Jones of Fayette, Rather, Rayburn, Thaxton and Thompson—10.

Mr. Clitherall reported favorably on the bill for the benefit of township 17, range 29, in Russell county.

Bill read the third time, and passed.

Mr. Deas introduced a bill prescribing the mode of bringing suits for school districts in Mobile county.

Read first, second and third times, and passed.

Mr. Griffin : a bill to exempt the county of Russell, from section 2257 of the Code.

Read first time.

Mr. Clitherall moved to lay the bill on the table.

Lost.

Yeas 10, nays 18.

Yeas—Messrs. President, Agee, Burnett, Clitherall, Felder, Hill, Jones of Greene, Rowe, Thompson and Woodward—10.

Nays—Messrs. Abernathy, Austin, Bullock, Bynum, Cocke, Crawford, Deas, Fleming, Griffin, Horn, Jones of Fayette, Lindsay, McKinne, Mitchell, Patton, Rather, Rayburn and Thaxton—18.

Mr. Bullock moved to amend as follows :

*Provided*, That the provisions of this act shall extend to the whole State of Alabama.

Mr. Clitherall moved to lay the bill on the table.

Yeas 15, nays 16.

Yeas—Messrs. Abernathy, Agee, Austin, Burnett, Clitherall, Cocke, Crawford, Deas, Felder, Hill, Horn, Jones of Greene, Jones of Fayette, McSpadden and Patton—15.

Nays—Messrs. President, Bullock, Bynum, Carter, Fleming, Griffin, Lindsay, McKinne, Mitchell, Rather, Rayburn, Rowe, Storrs, Thaxton, Thompson and Woodward—16.

Mr. Cocke moved the previous question ; which was not sustained.

Yeas 11, nays 20.

Yeas—Messrs. Agee, Austin, Burnett, Clitherall, Cocke, Felder, Griffin, Jones of Greene, Jones of Fayette, Patton and Rayburn—11.

Nays—Messrs. President, Abernathy, Bullock, Bynum, Carter, Crawford, Deas, Fleming, Hill, Horn, Lindsay, McKinne, McSpadden, Mitchell, Rather, Rowe, Storrs, Thaxton, Thompson and Woodward—20.

Mr. Cocke moved to refer the bill to the committee on the Judiciary.

Mr. Lindsay introduced a bill for the relief of John Edy, of Winston county.

Read first and second times, and referred to committee on Accounts.

Mr. McSpadden : a bill to incorporate the Alabama Planters' Steamboat company.

Read first and second times, and referred to the committee on Corporations.

Mr. Thompson reported as correctly enrolled :

An act to amend an act incorporating the Selma Insurance company ;

An act to provide for the election of two additional trustees for the University of Alabama ;

Mr. Patton presented the report of the joint committee of conference with the commissioner and trustee :

The joint committee, to whom was referred the biennial report of John Whiting, commissioner and trustee to settle the affairs of the State Bank and Branches, have had the same under consideration, and instructed me to report :

That they first examined the cash account of the commissioner for receipts and disbursements of money by him since the settlement of his account by the joint committee of the last session to the present time, and found that the balance on hand at the date of the last settlement, as certified to by the joint committee, was .....\$ 171,683 40

Since which time his receipts from all sources have been..... 1,575,299 52

Making a total of..... 1,746,982 92

The expenditures, in payment of interest, redemption of State bonds, remitting for the bonds due 1st January, and otherwise, have been..... 1,328,007 34

Leaving a balance at this date of..... \$418,975 58

The account containing, in detail, the above items is herewith submitted. Each item of the account has been carefully examined, and each verified by a proper voucher, or satisfactorily explained. Your committee next examined the accounts of collections and outstanding circulation, and found them properly stated in the report of the commissioner and trustee.

They next proceeded to examine the accounts of bonds redeemed and outstanding. Upon counting those redeemed since the last session, they were found to correspond in description and amount with the statements in the account.

The annexed tabular statements show at a glance the amount of bonds yet unredeemed, as well as those heretofore redeemed. They also show the annual interest to be provided for, and when it is payable.

From the tabular statement it will be seen that the outstanding bonds on 1st of November, 1855, were.....\$4,231,888 88  
 Redeemed since then, by purchase..... 133,777 77

---

\$4,098,111 11

Redeemed by payment, remitted for..... 575,111 11

---

Leaving of bonds to be provided for.....\$3,523,000 00

To meet which, in part, the State holds Virginia

and North Carolina 6 per cent. bonds..... 662,000 00

To complete the payment of the bonds due on 1st January inst. the commissioner borrowed in New York \$390,000, as has been reported to you by him. Your committee believe the entire balance now on hand in the office of the commissioner will be available in time to discharge the notes given for that loan. At an early day of the session your committee were appointed as a *special* committee to confer with, and advise, the commissioner and trustee. In that conference he brought to their notice two very important matters of public interest. The first was the difficulty of paying our bonds due in London on 1st January. That, as you are informed, was subsequently arranged, and the money remitted to pay those bonds. The other matter was the suspension of the firm of Robb, Hallett & Co., New York, through whom the bonds due 1st January were to have been paid. At the time of the suspension of that firm, they had on deposit, of funds belonging to the State, \$172,025 78. Your committee found that the commissioner had taken steps to secure the debt, and soon after their appointment had an interview with Mr. Robb, the senior of the firm. The position of the matter required great caution, to avoid loss. Your committee are pleased to be able to say they are now satisfied that the debt is safe, and will be realized in time to meet the liabilities before referred to. The commissioner exhibited to your committee the certificate of the Governor, state treasurer, comptroller, and secretary of state, that the blank impressions of the notes of the Branch Bank at Montgomery had been destroyed, as required by the statute. And also, the receipt of the state treasurer for the State bonds redeemed and included in the account of the commissioner at the last session, to be registered in conformity to law.

Your committee concur in the suggestion of the commissioner, to appoint an agent to collect the amount retained by the General Government on the claim of the State against the Republic of Texas. And also, to transfer to the office of the superintendent of education the notes, books, &c., pertaining to the 16th section school fund.

The commissioner has in his possession, as reported, several packages containing money found in the vault of the State Bank, and marked as special deposits. Your committee recommend that the money be deposited in the State treasury, with such explanatory entries as will identify it, if ever called for. He also, has packages of *half* notes which have been redeemed by the State banks. Your committee recommend that they be deposited in the State treasury.

Your committee take pleasure in bearing testimony to the able, faithful, and efficient manner in which the commissioner and trustee has conducted the financial interests of the State during his term of office. A few years since the State was burthened with a debt of nearly \$10,000,000, paying annually nearly a half million of interest. From the proceeds of the unfortunate State Bank and Branches, by careful management of the present commissioner and his predecessor, much of this debt has been paid, and the 1st of July of this year will, in all probability, find the State with only about \$2,800,000 of outstanding bonds, with an annual interest of less than \$150,000.— And for the accomplishment of this last named purpose we have thought proper to recommend the continuance of the commissioner and trustee, for the special purpose of finally settling the unadjusted matters connected with the State debt now in his hands. And your committee feel gratified in saying that this confidence in his capability and faithfulness to the interests of the State is of the highest character.

To carry out the recommendations contained in this report, your committee instruct me to report the accompanying bill, and recommend its passage.

R. M. PATTON,  
Chairman of Senate Committee.  
WM. G. JONES,  
Chairman of House Committee.

# JOHN WHITING, Commissioner and Trustee, in account with the State of Alabama.

| 1855          |  | Dr.          |             | Cr.  |             |
|---------------|--|--------------|-------------|--|-------------|
| November 29   | To balance as per settlement with Joint Committee  | \$171,683 40 | December 6  | By cash paid for 10 Alabama 5 per cent. dollar bonds   | \$10,000 00 |
| December 18-6 | To cash from Mobile Branch   | 13,000 00    | January 29  | By advertising State interest in London £13 17   | 61 50       |
| January 1     | To cash for 6 mos. int. on \$800,000 Va. & N. C. 6 p c bonds.                                  | 24,600 40    | March 15    | By 10 months interest on 6 per cent. Alabama Bonds due 1 Jan. '56, at Union Bank London, £9,987 18.4 at 5 per centum | 47,711 60   |
| March 18      | To cash from State Bank  | 1,000 40     | March 6     | By cash paid Ed. Nichols, President of Tenn. & Coosa Rail Road, from two and three per cent Funds                    | 54,421 67   |
| March 18      | To cash from State Bank  | 339 54       | April 15    | By 6 months interest on 5 per cent. Bonds due in London 1st July, 1856, at Union Bank                                |             |
| March 24      | To cash from State Treasury  | 100 54       |             | Gowan & Marx   | £3,255 7.2  |
| March 24      | To cash from Mobile Branch   | 100,000 00   |             | Rothschilds  | 3,322 13 0  |
| March 31      | To cash from Montgomery Branch   | 5,439 00     |             | Banking Comm.  | 551 01 8    |
| March 31      | To cash from Montgomery Branch   | 2,371 46     |             |  | 81 65 11    |
| March 31      | To cash from Montgomery Branch   | 5,000 00     |             |  |             |
| April 5       | To cash from Huntsville Branch   | 3,563 51     |             |  |             |
| April 8       | To cash refunded by Merchants' Bank, New York, for interest on State Bonds, charged twice      | 553 00       | May 1       | By 6 months interest on 5 per cent. Bonds, due in New York 1st May, 1856, £2,279 000                                 | 34,563 05   |
| April 29      | To cash refunded by Merchants' Bank, New York, for interest overpaid                           | 300 81       | May 31      | By notes of State Bank and Branches deposited in the State Treasury  | 56,975 00   |
| May 1         | To cash from State Bank  | 2,100 81     | July 9      | By do do do  | 16,634 00   |
| May 14        | To cash from Mobile Branch   | 16,634 81    | August 2    | By do do do  | 7,857 00    |
| May 20        | To cash from Decatur Branch  | 1,472 41     | August 5    | By paid back interest on 1 Alabama 5 per cent. dollar bond, due in 1853, and not before presented                    | 5,000 00    |
| May 21        | To cash from Montgomery Branch   | 5,069 56     |             |  | 20          |
| May 23        | To cash from Decatur Branch  | 152 44       | August 14   | By paid for 1 Alabama 5 per cent. dollar bond  | 90          |
| June 20       | To cash from Decatur Branch  | 2,037 49     | August 15   | By paid insurance on capital   | 30          |
| June 20       | To cash from Decatur Branch  | 2,822 49     | October 15  | By 6 months interest on 5 per cent. bonds due in London 1 Jan. 1857, at Union Bank                                   |             |
| June 21       | To cash from State Bank  | 34,669 45    |             | Gowan & Marx   | £2,322 18.6 |
| June 23       | To cash from General Government on claims held by the State Bank against the Republic of Texas | 5,000 00     |             | Rothschilds  | 551 01 8    |
| June 31       | To cash from Montgomery Branch   | 24,000 00    | November 1  | By 6 months interest on 5 per cent bonds due in New York 1 November, 1856, £2,279 000                                | 34,193 00   |
| July 1        | To cash for 6 mos. int. on \$800,000 Va. & N. C. 6 p c Bonds                                   | 7,857 00     | November 22 | By stamp tax on bills for int. due in London, £10 6 at 5 p c.  | 56,975 56   |
| July 1        | To cash from State Bank  | 3,754 95     | November 19 | By stamp tax on bills for int. due in London, £21 11.6, at 8 per cent  | 61 84       |
| July 12       | To cash from State Bank  | 3,031 47     | January 5   | By paid insurance on capital   | 1,104 45    |
| July 14       | To cash from Mobile Branch   | 623 26       | February 5  | By paid Central Bank 1/4 per cent. prem. on check on Mobile for \$73,175 06  | 150 00      |
| July 14       | To cash from Mobile Branch   | 5,000 00     | February 25 |  |             |
| July 30       | To cash from Huntsville Branch   | 12,331 39    |             |  |             |
| July 31       | To cash from Mobile Branch   | 2,737 52     |             |  |             |
| August 31     | To cash from Montgomery Branch   | 504 26       |             |  |             |
| October 17    | To cash from State Bank  | 4,431 07     |             |  |             |
| October 24    | To cash from State Bank  | 1,906 13     |             |  |             |
| October 24    | To cash from State Bank  |              |             |  |             |

*JOHN WHITING, Commissioner and Trustee, in account with the State of Alabama—Continued.*

|             |  | <b>Dr.</b>  |          | <b>Cr.</b>   |              |
|-------------|--|-------------|----------|--|--------------|
| 1856        |  |             |          |  |              |
| October 27  | To cash from Mobile Branch.....                              |             |          | By 12 months interest on 6 per cent Alabama bonds due      |              |
| November 21 | To cash from Decatur Branch.....                             | \$ 4,538 80 | March 15 | 1 June, 1857, at Union Bank, London, £3,380 17.7,          |              |
|             | less 1 per cent prem. paid No. Bank.....                     | 720 55      |          | at 8 per cent.....   | \$ 45,023 21 |
| December 1  | To cash from Mobile Branch.....                              | 292 75      | March 24 | By advertising interest due in London, £12.4.8, at 8 p. c. | 58 73        |
| December 31 | To cash from Montgomery Branch.....                          | 3,500 00    | April 15 | By 6 months interest on 5 per cent. bonds due in London    |              |
| December 31 | To cash from Montgomery Branch.....                          | 2,000 00    |          | 1 Ju'y, '57 at Union Bank.....                             | 23,249 18.6  |
| 1857        |  |             |          | Gowan & Mark.....  | 3,232 18 0   |
| January 1   | To cash from State Bank.....                                 | 1,708 88    |          | Rotschilds.....  | 551,01.8     |
| January 1   | To cash for 6 mos int. on \$800,000 Va. & N. C. 6 p c bonds. | 24,000 00   | May 1    | By 6 months interest on 5 per cent. bonds due in New       | 34,193 55    |
| January 20  | To cash from Mobile Branch.....                              | 4,049 75    |          | York, 1 May, 1857, \$2,279.00                              | 56,975 00    |
|             |  |             | May 7    | By stamp tax on bills for interest due in London, £6,12.6  | 31 80        |
|             |  |             | May 80   | at 8 per cent.....   | 10,110 27    |
|             |  |             |          | By deposited in State Treasury, for interest due to 16th   |              |
|             |  |             |          | Sections by State Bank.....                                |              |
|             |  |             |          | Amount carried forward.....                                | \$472,683 21 |



*JOHN WHITING, Commissioner and Trustee, in account with the State of Alabama—Continued.*

| 1857               |  | 1857         |   |
|--------------------|--|--------------|---|
| <b>Dr.</b>         |  | <b>Cr.</b>   |   |
| February 1         | To amount brought forward.....   |              | By amount brought forward.....  |
| February 26        | To Cash from Huntsville Branch.....  | \$ 54,807 61 | By Cash deposited in State Treasury for interest due to 16th sections by Mobile Branch.....               |
| March 5            | To Cash from Montgomery Branch.....  | 1,744 37     | By Notes of the State Bank and Branches, deposited in the State Treasury.....                             |
| March 6            | To Cash from Montgomery Branch.....  | 106,356 73   | By paid Win M. Brooks, fee in Chancery case in Marengo county vs. Manning's Estate.....                   |
| March 7            | To Cash from Montgomery Branch.....  | 1,000 00     | By Paid Expenses in sending Virginia and North Carolina Bonds to New York.....                            |
| March 13           | To Cash from Montgomery Branch.....  | 500 00       | By Paid Commercial Bank $\frac{5}{8}$ per cent. prem. on check on New York for \$14,041 25.....           |
| April 6            | To Cash for interest from Merchants' Bank, New York, on balance.....                                   | 21,779 75    | By 74 5 per cent. Ala. Dollar Bonds, purchased at 90 cents for interest on same from 1st May to date..... |
| April 23           | To Cash from Mobile Branch.....  | 300 00       | By 21 Sterling Bonds purchased at 95 40.....  |
| May 4              | To Cash from State Bank.....   | 92 79        | By Interest on same from 1st July to date.....  |
| May 4              | To Cash from State Bank.....   | 1,374 00     | By telegraphic dispatch from New York on State business.....  |
| May 4              | To Cash from State Bank.....   | 7,733 19     | By paid James Hamilton, Agent, on claim against Texas.....  |
| May 4              | To Cash from State Bank.....   | 5 9 35       | By paid Southern Bank $\frac{3}{4}$ per cent. prem. on \$27,791 58.....                                   |
| May 8              | To Cash from State Bank.....   | 579 50       | By paid Adams' Express Co. on package bank notes to Huntsville.....                                       |
| May 8              | To Cash from State Bank.....   | 245 33       | By paid Bank of Mobile $\frac{3}{4}$ per cent. prem. on \$51,000 00.....                                  |
| June 1             | To Cash from Decatur Branch.....   | 5,450 20     | By paid Northern Bank $\frac{3}{4}$ per cent. prem. on \$21,917 61.....                                   |
| June 13            | less 1 per cent. prem. paid Northern bank 14 54  |              | By paid Stamp tax on bill for interest due in London, \$2,12 6, at 8 per cent.....                        |
| June 30            | To Cash from State Bank.....   | 1,434 23     | By paid Adversing State Interest in London, \$12 4 8, at 8 per cent.....                                  |
| July 1             | To Cash for 6 Months interest on \$68,000 Virginia and North Carolina 6 per cent. bonds.....           | 11,707 50    | By paid S. F. Rice $\frac{3}{4}$ per cent. prem. on \$18,727 88.....                                      |
| July 3             | To Cash for \$12,000 North Carolina 6 per cent. bonds.....   | 1,400 00     | By 18 5 per cent Dollar bonds purchased at 90 cents.....  |
| July 24            | To Cash from Huntsville Branch.....  | 20,470 00    | By Interest on same from 1st May to date.....   |
| July 30            | To Cash from State Treasury.....   | 120,000 00   | By 11 5 per cent, Sterling bonds of \$200 each, due 1st January, 1858, purchased at par, \$220.....       |
| August 4, 7, and 8 | To Cash for 18,000 Virginia 6 per cent. bonds sold at 91 — less $\frac{3}{4}$ per cent. brokerage..... | 5,000 00     | By Interest on same from 1st July to date, \$36 4 2, at 9 $\frac{1}{2}$ per cent.....                     |
| August 13          | To Cash from Mobile Branch.....  | 208,808 91   | By 6 months' interest on 5 per cent. bonds, due in London 1st Jan. 1858, at Union Bank, \$3,213 11 9..... |
| August 18          | To Cash from Mobile Branch.....  | 16,335 00    | Gowan & Marx 3,267 7 0.....   |
| August 18          | To Cash from Mobile Branch.....  | 9,514 94     | Rothschilds.. 403 17 4.....   |
| August 21          | To Cash from Mobile Branch.....  | 23,000 56    |   |
| September 4        | To Cash from Decatur Branch.....   | 134 92       |   |
| September 4        | less 1 per cent. paid Northern bank.....   |              |   |
| October 21         | To Cash from Montgomery Branch.....  | 1,303 51     |   |
| October 31         | To Cash from Montgomery Branch.....  | 150 00       |   |
| October 31         | To Cash from Montgomery Branch.....  | 2,800 00     |   |
| October 31         | To Cash from Huntsville Branch.....  | 1 909 73     |   |
| November 9         | To Cash from Decatur Branch.....   | 732 47       |   |
| November 9         | To Cash from Decatur Branch.....   | 273 19       |   |
| November 9         | To Cash from State Bank.....   | 500 00       |   |
|                    |  | 46,028 63    |   |
|                    |  |              | 472,688 21  |
|                    |  |              | 2,158 84  |
|                    |  |              | 5,514 39  |
|                    |  |              | 100 00  |
|                    |  |              | 25 00   |
|                    |  |              | 87 75   |
|                    |  |              | 66,600 00   |
|                    |  |              | 925 00  |
|                    |  |              | 19,934 40   |
|                    |  |              | 94 60   |
|                    |  |              | 2 20  |
|                    |  |              | 800 00  |
|                    |  |              | 205 42  |
|                    |  |              | 22 00   |
|                    |  |              | 875 00  |
|                    |  |              | 164 39  |
|                    |  |              | 31 50   |
|                    |  |              | 58 72   |
|                    |  |              | 102 96  |
|                    |  |              | 16,200 00   |
|                    |  |              | 247 50  |
|                    |  |              | 10,997 73   |
|                    |  |              | 35,354 25   |

*.JOHN WHITING, Commissioner and Trustee, in account with the State of Alabama—Continued.*

|             |   |              |  |            |
|-------------|---|--------------|--|------------|
|             | <b>Dr.</b>  |              | <b>Cr.</b>   |            |
| 1857        | To Cash from Mobile Branch.....   | 5,223 25     | November 1 By 6 months' interest on 5 per cent. bonds due in New York 1st November, 1857, \$2,157,000.....                       | \$4,675 00 |
| November 17 | To Cash from State Treasury.....  | 150,000 00   | November 9 By paid S. F. Hale fee in case vs. Guild & Dearing, in Green county.....  | 5 00       |
| December 10 | To Cash from Bowery Savings Bank, New York.....   | 200,000 00   | November 10 By Notes of the State Bank and Branches deposited in the State Treasury.....   | 5,000 00   |
| December 17 | To Cash from New York Gas Light Company.....  | 100,000 00   | November 25 By paid H. P. Green 1 per cent prem. on check, \$2,020 83 on New York.....   | 20 20      |
| December 18 | To Cash from Brooklyn Bank, New York.....   | 40,000 00    | December 11 By paid telegraphic expenses to New York on business of paying bonds.....  | 40 45      |
| December 19 | To Cash from Merchants' Bank, New York.....   | 50,000 00    | December 12 By paid Insurance on Capital.....  | 151 00     |
| 1858        | To Cash from 6 months' interest on \$662,000 Virginia and North Carolina's 6 per cent. bonds..... | 19,569 00    | December 12 By 2 5 per cent. Sterling Bonds of £200 each, due 1st Jan., 1858, redeemed at 9 per cent, less interest, \$1 51..... | 1,935 95   |
| January 1   | To Cash from State Treasury.....  | 50,000 00    | December 15 By paid E. Whitehouse, Son & Morrison, New York, 1 per cent. commissions on loan of \$240,000.....                   | 2,400 00   |
| January 9   | To Cash from State Treasury.....  | 1 6,271 10   | December 19 By paid John J. Palmer 1 per cent. commissions on loan of \$100,000.....   | 1,000 00   |
| January 20  | To Cash for interest received on bills to date.....   | 1,740 932 92 | December 19 By paid Insurance on Gold to London.....   | 2,570 80   |
|             | To Balance on hand.....   | 418,975 58   | December 19 By paid Freight on Gold to London.....   | 1,596 88   |
|             | VIZ:  |              | December 19 By paid Merchants' Bank for telegraphic expenses.....  | 14 70      |
|             | In Bank of Mobile.....  | 51,932 89    | December 19 By paid cash r mitted to Union Bank, London, to pay bonds due 1st January, 1858.....                                 | 86 00      |
|             | In Bills due in February.....   | 48,637 37    | December 25 By paid expenses to and from New York, on business for State.....  | 627,387 15 |
|             | In Bills due in March.....  | 4,437 87     | December 26 By paid Goldthwaite & Scemple for arguing case in Supreme Court vs. Stone, Adm'r, Pickens County.....                | 153 40     |
|             | In Merchants' Bank, New York.....   | 54,357 27    | December 26 By Bank Mobile, pro Watts, \$2 50, Oct. 29, 1856, Do. Jameson, April 4, 1856, \$2 06.....                            | 100 60     |
|             | In ½ Notes of the State Bank.....   | 1,322 50     | January 26 By Balance.....   | 4 65       |
|             | In New Orleans Gas Light stock.....   | \$25,000 00  |  | 418,975 58 |
|             | In St. Charles Mortgage Bonds.....  | 35,000 00    |  |            |
|             | In Notes due in April, secured by mortgage 56,557 69.....   |              |  |            |
|             | Taken for.....  | \$189,557 69 |  |            |
|             | In Central Bank.....  | 167,599 41   |  |            |
|             |   | 9,562 05     |  |            |
|             |   | \$418,975 58 |  |            |

*Bonds Outstanding, 1st April, 1847.*

| Rate of Interest. | Amount of Bonds.   | Annual Interest. | When due | Where payable. |
|-------------------|--------------------|------------------|----------|----------------|
| 6 per cent.       | 100,000 00         | 6,000 00         | 1850     | New York.      |
| 5     "           | 300,000 00         | 15,000 00        | 1852     | New York.      |
| 5     "           | 3,500,000 00       | 175,000 00       | 1863     | New York.      |
| 5     "           | 459,000 00         | 22,950 00        | 1865     | New York.      |
| 5     "           | 382,000 00         | 19,100 00        | 1866     | New York.      |
| 5     "           | 500,000 00         | 25,000 00        | 1865     | New Orleans.   |
| 5     "           | 500,000 00         | 25,000 00        | 1865     | New Orleans.   |
| 6     "           | 1,013,000 00       | 60,780 00        | 1866     | London.        |
| 5     "           | 1,043,555 55       | 52,177 77        | 1850     | London.        |
| 5     "           | 1,435,000 00       | 71,750 00        | 1866     | London.        |
|                   | <hr/> 9,232,555 55 | <hr/> 472,757 77 |          |                |

*Bonds Outstanding, 1st November, 1855.*

| Rate of Interest. | Amount of Bonds.   | Annual Interest. | When due. | Where Payable. |
|-------------------|--------------------|------------------|-----------|----------------|
| 5 per cent.       | 2,048,000 00       | 102,400 00       | 1863      | New York.      |
| 5     "           | 52,000 00          | 2,600 00         | 1865      | New York.      |
| 5     "           | 190,000 00         | 9,500 00         | 1872      | New York.      |
| 6     "           | 688,000 00         | 41,280 00        | 1870      | London.        |
| 5     "           | 669,000 00         | 33,450 00        | 1866      | London.        |
| 5     "           | 584,888 88         | 39,244 44        | 1858      | London.        |
|                   | <hr/> 4,231,888 88 | <hr/> 218,474 44 |           |                |

*Bonds Outstanding, 20th January, 1858.*

| Rate of Interest. | Amount of Bonds.   | Annual Interest. | When due. | Where Payable |
|-------------------|--------------------|------------------|-----------|---------------|
| 5 per cent.       | 1,964,000 00       | 98,200 00        | 1863      | New York.     |
| 5 per cent.       | 52,000 00          | 2,600 00         | 1865      | New York.     |
| 5 per cent.       | 171,000 00         | 8,550 00         | 1872      | New York.     |
| 5 per cent.       | 648,000 00         | 32,400 00        | 1866      | London.       |
| 6 per cent.       | 688,000 00         | 41,280 00        | 1870      | London.       |
|                   | <hr/> 3,523,000 00 | <hr/> 183,030 00 |           |               |

Mr. Patton also reported a bill to dispose of the remaining affairs of the State Bank and Branches; which was read the first and second times.

Mr. Rather moved to insert "sales or compromises," after collections; which was adopted.

Mr. Burnett moved to amend as follows:

*Provided*, That said attorneys shall be liable to pay all costs in cases of debts classed bad and doubtful, unless suit be brought by order of the Governor; which was adopted.

Mr. Lindsay moved to postpone the subject until Wednesday, at 11 o'clock.

Mr. Lindsay moved to adjourn until to morrow morning, at 10 o'clock; which was lost.

Yeas 3, nays 26.

Yeas—Messrs. Bullock, Lindsay and Thompson.

Nays—Messrs. President, Abernathy, Agee, Burnett, Carter, Clitherall, Cocke, Crawford, Deas, Felder, Fleming, Griffin, Hill, Horn, Jones of Greene, Jones of Fayette, McKinne, McSpadden, Mitchell, Patton, Rather, Rayburn, Rowe, Storrs, Thaxton and Thompson—26.

Mr. Thompson reported as correctly enrolled:

An act to amend section 1676 of the Code, as to the county of Madison.

On motion of Mr. Clitherall,

The Senate adjourned until half past 3 o'clock; which was carried, and the Senate adjourned.

#### AFTERNOON SESSION.

The Senate met pursuant to adjournment.

Mr. Woodward, from a select committee, reported the bill to extend the Spring term of the circuit court of Choctaw county, with amendments; which were adopted.

The bill was read the third time, and passed.

Mr. Clitherall reported adversely on the bill to authorize Neal Smith to act as receiver, &c.

The report was concurred in.

Mr. Rather, from the committee on Internal Improvements, reported a bill amendatory of an act to require the president of the Tennessee and Coosa Railroad, to report semi-annually to the Governor.

The bill was read the first, second and third times, rule suspended, and passed.

The Senate resumed the consideration of the bill to dispose of

the remaining affairs of the State Bank and Branches; question pending on the amendment of Mr. Agee as follows:

*Provided*, This section shall not apply to judgments, where the defendant was only security to the original bank debt.

Mr. Clitherall moved to lay the amendment on the table.

Carried.

Yeas 15, nays 7.

Yeas—Messrs. President, Abernathy, Bullock, Carter, Clitherall, Crawford, Deas, Fleming, Griffin, Hill, Jones of Greene, Mitchell, Rather, Rowe, Thaxton and Woodward—15.

Nays—Messrs. Agee, Cocke, Felder, McKinne, Patton, Rayburn and Thompson—7.

The question recurred on the amendment offered by Mr. Clitherall, to wit:

“That lapse of time since the rendition of any judgment in favor of said Bank and Branches, shall not prevent the issuance of executions thereon, but such execution may be issued, without revival by *scire facias*.

Mr. Rowe offered the following amendment:

*Provided*, The provisions of this section shall not apply to estates of deceased persons, where there has been a distribution of said estate.

Mr. Jones, of Greene, moved the previous question; which was not sustained.

Yeas 12, nays 16.

Yeas—Messrs. Agee, Austin, Burnett, Cocke, Deas, Hill, Jones of Greene, Jones of Fayette, McSpadden, Patton, Rayburn and Woodward—12.

Nays—Messrs. President, Abernathy, Bullock, Carter, Crawford, Felder, Fleming, Griffin, Horn, Lindsay, McKinney, Mitchell, Rather, Rowe, Thaxton and Thompson—16.

Mr. Clitherall failed to vote when his name was called on the last question.

Mr. Clitherall proposed to vote when the call was ended.

Mr. President decided that as he did not vote when his name was called, he had no right to vote.

Mr. Clitherall appealed from the decision of the chair, and the chair was sustained.

Yeas 20, nays 5.

Yeas—Messrs. Abernathy, Austin, Bullock, Carter, Cocke, Crawford, Deas, Felder, Fleming, Hill, Horn, Jones of Greene, Jones of Fayette, McKinne, McSpadden, Rather, Rayburn, Thaxton and Woodward.

Nays—Messrs. Agee, Griffin, Lindsay, Mitchell and Rowe.

The amendment offered by Mr. Rowe was adopted.

Mr. Cocke moved to amend as follows:

*And provided further*, That where any person is principal in a note made to the Bank of Alabama and its Branches, and he can prove by a credible witness, that he did not receive the money, or that it was not drawn out of the Bank by him, he shall not be subject to or made liable to the provisions of this act.

Mr. Lindsay moved to lay the amendment on the table, which was carried.

Yeas 25, nays 4.

Yeas—Messrs. President, Abernathy, Agee, Austin, Bullock, Burnett, Carter, Clitherall, Crawford, Deas, Fleming, Griffin, Hill, Horn, Jones of Greene, Lindsay, McKinne, McSpadden, Mitchell, Patton, Rather, Rowe, Thaxton, Thompson and Woodward—25.

Nays—Messrs. Cocke, Felder, Jones of Fayette, and Rayburn—4.

Mr. Lindsay moved to amend as follows:

*Provided*, That attorneys shall not be allowed more than — per cent. for collections made under this section; which was adopted.

Mr. Hill moved to fill the blank with 25 per cent.

Carried.

Yeas 16, nays 13.

Yers—Messrs. President, Abernathy, Agee, Austin, Bullock, Carter, Clitherall, Deas, Felder, Fleming, Hill, Horn, Jones of Greene, Mitchell, Patton and Rather—15.

Nays—Messrs. Burnett, Cocke, Crawford, Griffin, Jones of Fayette, Lindsay, McKinne, McSpadden, Rayburn, Rowe, Thaxton, Thompson and Woodward—13.

The amendment of Mr. Clitherall, as amended, was adopted.

Yeas 19, nays 9.

Yeas—Messrs. President, Abernathy, Bullock, Burnett, Carter, Clitherall, Deas, Hill, Horn, Jones of Greene, McKinne, Mitchell, Patton, Rather, Rowe, Thaxton, Thompson and Woodward—19.

Nays—Messrs. Agee, Austin, Cocke, Felder, Fleming, Griffin, Jones of Fayette, McSpadden and Rayburn—9.

Mr. Felder moved to amend as follows:

SEC.—*And be it further enacted*, That it shall be the duty of the commissioner, as soon as practicable, to report the names, amount of indebtedness, and when due, and residences, (if known) of each debtor, arranged by counties, together with the names of their securities, and whether the debt is in judgment or otherwise, and if in judgment, whether the execution against such person and his securities, has been returned, no property

found, or otherwise; and it shall be the duty of the comptroller to publish such reports in pamphlet form, and have ten thousand copies of the same printed, and send by mail 150 copies of the same to each judge of probate of the State, for general circulation in their respective counties, and shall draw his warrant on the State treasury for the necessary expenses of such printing and distribution.

Mr. Patton moved to lay the amendment on the table.

Lost.

Yeas 7, nays 21.

Yeas—Messrs. Abernathy, Carter, Deas, Jones of Greene, Patton, Rather and Rowe—7.

Nays—Messrs. President, Agee, Austin, Bullock, Burnett, Clitherall, Cocke, Crawford, Felder, Fleming, Griffin, Hill, Horn, Jones of Fayette, Lindsay, McKinne, McSpadden, Mitchell, Rayburn, Thaxton, Thompson and Woodward—21.

Mr. Agee moved to amend as follows:

*Provided*, The expense of printing shall not exceed \$3,000.

Mr. Jones, of Greene, moved the previous question; which was sustained.

Yeas 16, nays 13.

Yeas—Messrs. President, Abernathy, Agee, Austin, Carter, Clitherall, Crawford, Deas, Fleming, Hill, Jones of Greene, Mitchell, Patton, Rather, Rowe and Woodward—16.

Nays—Messrs. Bullock, Burnett, Cocke, Felder, Griffin, Horn, Jones of Fayette, Lindsay, McKinne, McSpadden, Rayburn, Thaxton and Thompson—13.

The bill was ordered to be engrossed.

Yeas 17, nays 10.

Yeas—Messrs. President, Abernathy, Agee, Bullock, Burnett, Carter, Clitherall, Crawford, Deas, Hill, Horn, Jones of Greene, Mitchell, Patton, Rather, Rowe and Woodward—17.

Nays—Messrs. Austin, Cocke, Felder, Fleming, Jones of Fayette, Lindsay, McKinne, McSpadden, Rayburn and Thaxton—10.

And the Senate adjourned until to-morrow morning at 10 o'clock.

JANUARY 28, 1858.

The Senate met pursuant to adjournment.

Mr. Clitherall submitted the following

#### PROTEST:

I protest against the action of the Senate, by which I was on yesterday deprived of my right to vote on the motion of the

senator from Greene, for the previous question on the bill then pending.

The facts are these: I was in my seat and did not vote when my name was called by the secretary. After the call was completed, but before the vote was announced, I requested the secretary to call my name, that I might vote.

The President directed the secretary not to call my name upon the ground that I had waived my right to vote, by failing or refusing to do so when my name was called. From this decision I appealed, and the Senate, by a decided majority, sustained the President's decision.

The question is, had I a right to vote under the above statement of facts. The 12th rule of the Senate is as follows:

"Every senator who shall be present when a question is put, shall vote, unless the Senate, for special reasons, excuse him, but no senator shall vote on any question unless he be within the bar of the Senate when he votes; and when any question is taken by ayes and noes, and a senator who has been absent returns before the question is decided, he shall be privileged to make enquiry of the subject before the Senate and record his vote without discussion."

The seventh joint rule of the two Houses, when in convention, is as follows:

"Each senator and representative shall answer from his seat, when his name is called in order by the secretary of the Senate or the clerk of the House, and any senator or representative who shall fail or refuse to vote when his name is called, shall be considered as having waived his right to vote, and shall not afterwards be allowed to do so."

It will be seen that the joint rule expressly declares that a senator or representative failing or refusing to vote, when the name is called, waives his right, and shall not afterwards be permitted to vote.

The rule of the Senate contains no such provision, and by every recognized rule of construction, the expression of this provision in the one rule, excludes its existence by implication in the other from which it is exceeded in terms.

Again, the rule of the Senate declares that every senator present *shall* vote when a question is put, *unless excused by the Senate*. If the decision of the President and the Senate in my case be correct, any senator may nullify this rule, by failing to vote when his name is called, and if by failing to vote he waives his right to vote, can the Senate compel him under the 12th rule, if he has, by his waiver, lost his right to vote? Can one be compelled lawfully to do that which he has no right to do? The uniform



practice of the Alabama legislature sustains my position, and no instance can be cited in which, under like circumstances, a senator or representative has been deprived of his right to, and obstructed in his duty of voting upon every question before the House of which he is a member.

A few days since the senator from Russell demanded the yeas and nays upon a certain question, was in his seat when his name was called, and failed to vote, the senator from Lawrence raised the point that under the 12th rule the senator was compelled to vote unless excused, the point was sustained by the chair, and the senator was required to vote. In his case and mine the facts were the same—in the application of the law how diametrically opposed.

Believing that the action of the Senate establishes a wrong precedent, and was injurious to my rights as a senator, I respectfully enter this my protest, and ask my constitutional right of having it placed upon the journal of the Senate.

(Signed)

ALEX. B. CLITHERALL.

Mr. Rowe moved to take from the messages from the House, the resolution proposing to adjourn *sine die* on the 8th February, and the bill in regard to annual sessions; which was carried.

The Senate took up the resolution as first in order.

Mr. Lindsay moved to strike out "8th" and insert "2d."

Mr. Bynum moved the previous question; which was sustained.

Yeas 26, nays 4.

Yeas—Messrs. Abernathy, Agee, Austin, Burnett, Bynum, Carter, Crawford, Deas, Felder, Fleming, Griffin, Hill, Horn, Jones of Greene, Jones of Fayette, McKinne, McSpadden, Mitchell, Patton, Rather, Rowe, Storrs, Thaxton, Thompson and Woodward—26.

Nays—Messrs. President, Bullock, Clitherall and Lindsay—4.

The amendment of the House to the resolution to adjourn *sine die* on the 8th February, was concurred in.

Every member of the Senate voting for the concurrence, except Messrs. Heflin and Jemison, who were absent.

The bill to provide for annual sessions of the General Assembly, was read the third time, and passed.

Yeas 17, nays 14.

Yeas—Messrs. Abernathy, Agee, Austin, Bullock, Bynum, Carter, Deas, Felder, Horn, Jones of Fayette, Lindsay, McKinne, McSpadden, Mitchell, Rather, Thaxton and Thompson—17.

Nays—Messrs. President, Burnett, Clitherall, Cocke, Craw-

ford, Fleming, Griffin, Hill, Jones of Greene, Patton, Rayburn, Rowe, Storrs and Woodward—14.

Mr. Jones, of Fayette, moved to reconsider the vote just taken on the resolution to adjourn on the 8th instant.

Mr. Clitherall moved to postpone the motion to reconsider; which was lost.

Yeas 4, nays 27.

Yeas—Messrs. Clitherall, Cocke, Hill and Lindsay—4.

Nays—Messrs. President, Abernathy, Agee, Austin, Bullock, Burnett, Bynum, Carter, Crawford, Deas, Felder, Fleming, Griffin, Horn, Jones of Greene, Jones of Fayette, McKinne, McSpadden, Mitchell, Patton, Rather, Rayburn, Rowe, Storrs, Thaxton, Thompson and Woodward—27.

The Senate refused to reconsider.

The Senate proceeded to consider the special order, it being the bill to exempt certain property from levy and sale, for the use of families.

Mr. Storrs moved to strike out the second section of the bill; which was carried.

Mr. President (Mr. Rather in the chair) moved to strike out the 4th section; which was carried.

Mr. Clitherall moved to amend as follows:

1. That all persons claiming slaves under the provisions of this act, shall file in the office of the judge of probate of the county in which said claimant resides, a schedule containing a succinct description, of the name, age and color of said slave, within six months from the time of such exemption claimed; and if said claimant removes to any other county in this State, he shall file said schedule, within three months, in the office of the probate judge of the county to which he removes, and failing to observe the provisions of this section, he forfeits the benefits provided for by this act.

2. That the judge of probate of each county shall keep a well bound book in which shall be entered and indexed the names of all persons claiming the benefit of this act, and the names of the slaves, their age and color, and shall be entitled to demand and receive from said claimants the sum of one dollar for each slave so entered in said book.

Mr. Hill moved to strike out "three months," and insert "thirty days."

Lost.

The amendment of Mr. Clitherall was adopted.

Yeas 18, nays 8.

Yeas—Messrs. President, Burnett, Bynum, Clitherall, Crawford, Deas, Felder, Fleming, Griffin, Hill, Jones of Fayette,

Mitchell, Rather, Rayburn, Storrs, Thaxton, Thompson and Woodward—18.

Nays—Messrs. Abernathy, Agee, Carter, Horn, Jones of Greene, McKinne and Patton—8.

Mr. Bynum moved to amend as follows:

Or eight hundred dollars worth of other property.

The amendment was laid on the table.

Yeas 23, nays 6.

Yeas—Messrs. President, Abernathy, Agee, Austin, Bullock, Carter, Clitherall, Cocke, Crawford, Deas, Fleming, Hill, Horn, Jones of Greene, Jones of Fayette, McKinne, Mitchell, Patton, Rather, Rowe, Storrs, Thompson and Woodward—23.

Nays—Messrs. Burnett, Bynum, Griffin, McSpadden, Rayburn and Thaxton—6.

Mr. Agee moved to amend as follows:

*Provided*, That this act shall only apply to slaves acquired after its passage.

Mr. Clitherall moved to lay the amendment on the table.

Yeas 9, nays 20.

Yeas—Messrs. Austin, Bullock, Carter, Clitherall, Deas, Horn, McKinne, Patton and Rowe—9.

Nays—Messrs. President, Abernathy, Agee, Burnett, Bynum, Cocke, Crawford, Fleming, Griffin, Hill, Jones of Greene, Jones of Fayette, McSpadden, Mitchell, Rather, Rayburn, Storrs, Thaxton, Thompson and Woodward—20.

The amendment was adopted.

Mr. Bynum moved to amend as follows:

That in case any head of a family does not own a slave, every citizen of the county in which such head of a family resides, who owns exceeding one hundred slaves, shall contribute one negro from such excess, until every head of a family who desires it shall have one negro slave.

Mr. Agee moved to lay the amendment on the table.

Carried.

Yeas 17, nays 9.

Yeas—Messrs. President, Abernathy, Agee, Bullock, Burnett, Carter, Clitherall, Deas, Felder, Fleming, Hill, McKinne, Mitchell, Patton, Storrs, Thaxton and Woodward—17.

Nays—Messrs. Austin, Bynum, Crawford, Griffin, Jones of Fayette, McSpadden, Rather, Rayburn and Thaxton—9.

Mr. Thompson reported as correctly enrolled:

An act to change the name of Benton county to Calhoun;

An act to authorize the election of an additional constable in beat No. 7, in the county of Barbour;

For the relief of Geo. G. Morrisett, of Monroe county.

Mr. Fleming moved to amend as follows:

*Provided*, The provisions of this act shall not apply to the county of Madison.

Mr. Agee moved the previous question; which was sustained.

Yeas 15, nays 14.

Yeas—Messrs. President, Agee, Bullock, Carter, Clitherall, Cocke, Deas, Hill, Jones of Greene, Lindsay, McKinne, Mitchell, Patton, Rowe and Woodward—15.

Nays—Messrs. Abernathy, Austin, Burnett, Bynum, Crawford, Felder, Fleming, Griffin, Jones of Fayette, McSpadden, Rather, Rayburn, Thaxton and Thompson—14.

Message from his excellency, the Governor, by Mr. Phelan:

Mr. President: His excellency, the Governor, has approved of bills which originated in the Senate of the following titles:

An act for the relief of the administrators of the estate of Richard Long, late of Pickens county, deceased;

An act to ratify and confirm the lease made by the trustees of the University of Alabama, of the old State House at Tuscaloosa;

An act to provide for the election of two additional trustees for the University of Alabama;

An act to amend section 1676 of the Code, as to the county of Madison;

An act to amend an act incorporating the Selma Insurance Company.

Mr. McSpadden moved to adjourn until to-morrow, 10 o'clock.

Lost.

Mr. Bullock moved to adjourn until 7 o'clock, this evening; which was lost.

Yeas 6, nays 24.

Yeas—Messrs. Bullock, Crawford, Hill, Rayburn, Storrs and Thompson—6.

Nays—Messrs. President, Abernathy, Agee, Burnett, Bynum, Carter, Clitherall, Cocke, Deas, Felder, Fleming, Griffin, Horn, Jones of Greene, Jones of Fayette, McKinne, McSpadden, Mitchell, Patton, Rather, Rowe, Thaxton and Woodward—24.

The Senate adjourned until 3½ o'clock.

#### AFTERNOON SESSION.

The Senate met pursuant to adjournment.

The bill to extend the time of payment of the debt due from the Mobile and Ohio Railroad company, was read the first and second times, and referred to the committee on Banks and Banking.

The bill for the relief of Robert McElvy and Lucinda Spain ; read first, second and third times, and passed.

The bill to divorce Nancy H. Allen from her husband, Julius Allen ; and,

The bill to divorce certain persons therein named, (four bills of this caption); were severally read the first and second times, and referred to the committee on Divorce and Alimony ; also,

The bill to divorce Elizabeth Styles from her husband, Marion Styles ; and,

The bills to divorce Nancy Franklin from her husband, Reuben Franklin;

To divorce:

Harriet Burgess and Jas. L. Burgess ;

James R. Sims from Eveline M. Sims ;

Jeremiah Craft from Ruth Craft, and other persons therein named ; were severally read the first and second times, and referred to the committee on Divorce and Alimony.

Mr. Agee, from the committee on Public Printing, reported the bill in relation to public printing, with an amendment ; which was concurred in.

Bill read third time and passed.

The bill for the relief of Emeline Goode, of Marion county, was read the first, second and third times, and passed.

The Senate resumed the bill to exempt certain property from levy and sale for the use of families.

The Senate refused to order the bill to be engrossed.

Yeas 13, nays 15.

Yeas—Messrs. President, Agee, Bullock, Carter, Clitherall, Deas, Griffin, Horn, Jones of Greene, McKinne, Mitchell, Patton and Woodward—13.

Nays—Messrs. Abernathy, Austin, Burnett, Bynum, Cocke, Crawford, Felder, Fleming, Jones of Fayette, McSpadden, Rather, Rayburn, Rowe, Thaxton and Thompson—15.

Mr. Bynum moved to reconsider the vote.

Mr. Bullock moved to postpone the consideration of the motion until to-morrow at 11 o'clock.

Yeas 16, nays 13.

Yeas—Messrs. President, Agee, Bullock, Carter, Clitherall, Cocke, Deas, Griffin, Horn, Jones of Greene, McKinne, Mitchell, Patton, Rowe, Thompson and Woodward—16.

Nays—Messrs. Abernathy, Austin, Burnett, Bynum, Crawford, Felder, Fleming, Hili, Jones of Fayette, McSpadden, Rather, Rayburn and Thaxton—13.

The bill to amend an act to change the mode of assessing the

**tax** of Butler county, was read the first, second and third times, and passed.

The Senate resumed the special order, it being the bill to incorporate a bank, together with the resolution heretofore offered by Mr. Clitherall.

The Senate refused to adopt the resolution.

Yeas 12, nays 17.

Yeas—Messrs. President, Agee, Burnett, Austin, Clitherall, Fleming, Hill, Jones of Fayette, Lindsay, Thaxton, Thompson and Woodward—12.

Nays—Messrs. Abernathy, Bullock, Carter, Cocke, Crawford, Deas, Felder, Griffin, Horn, Jones of Greene, McKinne, McSpadden, Mitchell, Patton, Rather, Rayburn and Rowe—17.

And the Senate adjourned until to-morrow morning, 10 o'clock.

JANUARY 29th, 1858.

The Senate met pursuant to adjournment.

The House bills:

To incorporate the Hurricane Academy, in Barbour county;

To increase the compensation of the commissioners' court in the county of Pike;

To change and establish the boundary line between the counties of Marshall, DeKalb and Jackson;

To incorporate a Male High School in the town of Moulton, in this State;

In reference to the estate of Hillary Foster, deceased;

To establish a medical board in Autauga; were severally read the first, second and third times, and passed; also,

The bill for the relief of Joshua Lyon, tax collector of Sumter county; and,

The bill to authorize the Governor to issue patent to Thomas Penn, of Chambers county.

The following House bills were read the first and second times and referred to the committee on the Judiciary:

To amend sections 2319 and 2320 of the Code;

To amend the law as to appeals from justices' courts;

To amend the law as to days of grace on bills of exchange;

To amend section 3568 of the Code;

To amend sections 1056 and 1057 of the Code;

To amend section 3568 of the Code;

To change the time of holding some of the Fall terms of the chancery courts in the middle division;

To regulate the pay of witnesses in criminal cases;

To compel the attendance of witnesses in civil cases.

The House bill to fix the time for musters in this State, was read the first and second times, and referred to the committee on the Military ; also,

The bill to enable the quarter master general to rent an arsenal.

The amendments of the House to the bill to incorporate the Eufaula Rifles, were concurred in.

Also, the amendments to the bill to establish election precincts.

The House bills :

To incorporate the town of Union Springs, in the county of Macon ;

To incorporate the town of Maysville, in the county of Madison ; were severally read the first and second times, and referred to the committee on Corporations ; also,

The bill to incorporate the State Mutual Insurance company.

The following House bills :

To cause the county treasurer of Clarke county to be elected by the qualified voters thereof ;

For the relief of John R. Bumpers, of Clarke county ;

To repeal an act so far as relates to Butler county ; were read the first, second and third times, rule suspended, and passed.

To compensate returning officers for making election returns in Baldwin county ; were severally read first, second and third times, and passed.

The bill to prevent the sale of liquors within two miles of the Athens Academy, in the town of Ramah, in Montgomery county, was read the first, second and third times.

Mr. Rowe moved to amend so as that the bill should not apply to any existing license until the expiration of such license.

The bill passed.

Yeas 22, nays 9.

Yeas—Messrs. President, Abernathy, Agee, Austin, Carter, Clitherall, Cocke, Crawford, Deas, Felder, Griffin, Hill, Horn, Lindsay, McKinne, McSpadden, Mitchell, Patton, Rayburn, Rowe, Storrs and Woodward—22.

Nays—Messrs. Bullock, Burnett, Bynum, Fleming, Heflin, Jones of Greene, Jones of Fayette, Rather and Thompson—9.

The bill to provide for printing the reports of the treasurer and comptroller of public accounts, was read the first and second times, and referred to the committee on Public Printing.

The following House bills :

To incorporate the Cahaba Rifles ;

To incorporate the Winston Male College ;

To repeal an act therein named ;

To incorporate the Franklin Guards ;

To amend an act to incorporate the Madison Rifles ;

To repeal an act therein named ;

To regulate the length of rails for causeways in Montgomery county ;

To compensate John W. Clarke, of Barbour county ;

To require certain duties of justices of the peace in Fayette county ;

To regulate the pay of jurors for the county of Hancock, were severally read the first, second and third times, and passed.

The House bills :

For the relief of Peter McGehee, late tax collector of Pickens county ;

For the relief of certain persons therein named ;

For the relief of U. T. Cleveland, sheriff of Mobile county ;

For the relief of F. A. Hinse ; and,

The bill for the relief Joshua Lyon, tax collector of Sumter county ; were read the first and second times, and referred to the committee on Accounts.

The amendment of the House to the bill for the relief of John S. Barnes, was concurred in.

The bill to incorporate the Citronelle and McIntosh Bluff Plank Road company ; read first and second times, and referred to the committee on Corporations ;

The bill for the relief of James H. Daughdrill, Elisha Lett, and Henry Hunt, tax collectors of Mobile county, was read the first and second times, and referred to the committee on Finance and Taxation.

The following House bills :

To authorize the filing of bills of chancery in certain cases ;

To incorporate the Alabama Bible and Colporteur Society ;

To amend the law in relation to appeals ;

To amend section 2182 of the Code ;

To give records of probate courts in certain cases, the same effect as are by law given to the records of courts of general jurisdiction ;

To reprint certain volumes of the Alabama Reports ;

To amend section 1910 of the Code ;

To amend section 2471 of the Code ;

To compensate persons for apprehending felons at large and fugitives ; were severally read the first and second times, and referred to the committee on the Judiciary.

The following House bills :

For the relief of Charlotte Ellis. of Greene county ;

To increase the pay of commissioners of roads and revenue in the county of Covington ;



To exempt burying grounds from sale under executions or other legal process.

For the relief of Daniel C. Webb of Cherokee county ;

To repeal an act therein named, approved February 18th, 1854, so far as the county of Lawrence is concerned ;

To protect the citizens of Mobile and Baldwin counties in the enjoyment of their oyster beds ;

For the relief of James Camp executor of Joseph Camp, deceased ;

To prevent gaming among slaves ;

In relation to the estate of Wm. Forbes, deceased ;

For the relief of James Shepherd Deggs of Dallas county ; amended.

To locate permanently the seat of justice in Marion county ;

To repeal an act to amend the patrol laws in Pickens county ;

To establish a board of physicians in Perry county ;

To incorporate the Shelby Line company ;

To incorporate the town of Rodgersville in Lauderdale county, were severally read the first, second and third times, rule suspended, and passed.

The following House bills :

To authorize the probate judge and county commissioners of Coffee county to establish new beats ;

To increase the jail fees for runaways in the county of Marion ;

For the compensation of D. W. Bain for services rendered to the State of Alabama ;

To amend the patrol laws ; were severally read, and laid on the table.

The bill to repeal an act to make a loan to the Alabama and Tennessee Rivers Railroad ; read first and second times, and referred to the committee on Internal Improvements.

The bill to authorize J. H. Clanton executor, to erect gates, &c., was read the first and second times, and referred to the committee on Roads, Bridges and Ferries.

The following House bills :

To prevent the killing of stock on railroads, was read the first and second times, and referred to the committee on the Judiciary ;

The amendment of the House to the bill for the relief of Harp McCall, late tax collector of Barbour county, was concurred in ;

The bill to provide for the enclosure and improvement of the grounds of the Alabama Insane Hospital and supplying the building with furniture, was read the first and second times, and referred to a select committee ;

The bill for the relief of Elijah Woolsey and James S. Bain,

of the county of Marshall, was read the first and second times, and referred to the committee on Accounts and Claims.

The Senate proceeded to consider the amendment of the House to the bill to extend the payment of sixteenth section notes.

Mr. Cocke moved to amend the amendment of the House, as follows :

*Provided*, That this section shall not be so construed as to prevent the superintendent of education from ordering suit on notes at any time after maturity, when so ordered by the trustees of the township or the sureties; which was adopted.

The Senate refused to concur in the amendment of the House as amended.

This vote was reconsidered, and the amendment concurred in. And the Senate adjourned until 3½, P. M.

#### AFTERNOON SESSION.

The Senate met pursuant to adjournment.

On motion of Mr. Clitherall,

*Resolved*, That the secretary of the senate be authorized to employ such assistants as may be necessary to keep up the business of the Senate.

Mr. Felder, from the committee on the Judiciary, reported the bill to amend the laws regulating the settlement of estates of deceased persons, with an amendment; which was adopted.

The bill was read the third time, and passed.

The bill to dispose of the remaining affairs of the State Bank and Branches, was read the third time, and passed.

Yeas 20, nays 6.

Yeas—Messrs. President, Abernathy, Bullock, Burnett, Bynum, Carter, Clitherall, Deas, Griffin, Heflin, Hill, Horn, Jones of Greene, McKinne, Mitchell, Patton, Rather, Rowe, Storrs and Woodward—20.

Nays—Messrs. Agee, Austin, Felder, Jones of Fayette, Rayburn and Thaxton—6.

Mr. Clitherall moved to reconsider this vote, and moved to lay the motion to reconsider on the table; ordered that 2,000 copies of the last report of John Whiting, and the tabular statement of the commissioner, be printed for the use of the Senate.

The House bills :

The bill to prevent the sale of spirituous liquors in the village of Clay Hill, in Pike county, was read the first, second and third times, and lost.

Yeas 9, nays 16.

Yeas—Messrs. President, Austin, Carter, Clitherall, Crawford, Deas, Griffin, Hill and Woodward—9.

Nays—Messrs. Abernathy, Bullock, Burnett, Bynum, Felder, Fleming, Heflin, Horn, Jones of Greene, Jones of Fayette, McKinne, Mitchell, Rather, Rayburn, Thaxton and Thompson—16.

Mr. Thompson gave notice that he would move to reconsider this vote.

The bill to compensate Isaac W. Pollard, was read the first and second times, and referred to the committee on Accounts.

The bill to prevent the sale of spirituous liquors within certain limits, was read the second time.

The Senate refused to pass the bill.

The bill to amend section 3992 of the Code, was read the first and second times, and referred to the committee on the Judiciary.

The bill to incorporate the Montgomery Typographical Union, was read the first and second times, and referred to the committee on Corporations.

The bills :

For the relief of S. C. Dumas, tax collector of Wilcox county;

For the relief of Wm. M. Johns of Marshall county;

To authorize the sheriff of Greene county to summon a bailiff for the chancery, probate, and commissioners' court;

To repeal an act therein named, so far as Walker county is concerned; were severally read the first, second and third times, and passed.

The House bills :

For the relief of certain slaves of Albert G. Abercrombie, deceased;

The bill to regulate the mode of proceeding in cases for rehearing as provided in part 3, title 1, chapter 17, of the Code; read the first and second times, and referred to the committee on the Judiciary;

The bill to incorporate the Baldwin and Perdido Railroad company, was read the first and second times, and referred to the committee on Internal Improvements.

Mr. Bullock moved to reconsider the vote on the bill to prevent the sale of spirituous liquors within certain limits; which was carried; and

On motion of Mr. Fleming, referred to the committee on the Judiciary.

Mr. Rowe reported favorably on the bill for the relief of Peter McGehee, late tax collector of Pickens county.

The bill was read the third time, and passed.

Mr. Clitherall moved to suspend the special orders to receive reports from committees; which was lost.

Yeas 17, nays 13.

Yeas—Messrs. President, Abernathy, Agee, Austin, Cocke, Deas, Felder, Fleming, Griffin, Hill, Horn, Jones of Greene, Jones of Fayette, McSpadden, Patton, Rayburn and Woodward—17.

Nays—Messrs. Bullock, Burnett, Bynum, Carter, Clitherall, Crawford, Heflin, Lindsay, McKinne, Rather, Rowe, Storrs and Thaxton—13.

Mr. President (Mr. Rather in the chair) moved to suspend to proceed with unfinished reports; which was carried.

The Senate took up the bill to invest and dispose of the two per cent. fund, and after much time spent in discussion, the Senate adjourned until to-morrow morning, 10 o'clock.

SATURDAY, January 30th, 1858.

The Senate met pursuant to adjournment.

Prayer by Rev Mr. Shaver.

Mr. Thompson reported as correctly enrolled:

An act to authorize the commissioners' court of Coffee county, to pay a certain sum of money to James D. McLean, &c.;

To amend the charter of the town of Orrville, in Dallas county;

For the relief of Richard Hudson, of Jefferson county;

To change the time of holding the circuit court of Marengo.

The vote refusing to pass the bill to prevent the sale of spirituous liquors in the village of Clay Hill, in Pike county, was reconsidered, and the bill passed.

Mr. Griffin introduced a bill to require a publication of a list of the debts and debtors to the State Bank and Branches; was read the first time.

The Senate refused to suspend the rule and read the second time.

Yeas 15, nays 13.

Yeas—Messrs. President, Austin, Bullock, Burnett, Felder, Griffin, Horn, Jones of Fayette, Lindsay, McKinne, McSpadden, Rather, Storrs, Thaxton and Thompson—15.

Nays—Messrs. Abernathy, Bynum, Clitherall, Cocke, Crawford, Deas, Fleming, Heflin, Hill, Jones of Greene, Patton, Rayburn and Rowe—13.

The bill was ordered to a second reading.

Mr. Griffin: a bill to provide for the payment of sheriffs for removing prisoners from one county to another.

Read first and second times, and referred to committee on Judiciary.

Mr. Felder: a bill to incorporate the Montgomery Bridge company.

Read first and second times, and referred to the committee on Roads, Bridges and Ferries.

Mr. Jones, of Greene: a bill to give the court of probate of Greene county jurisdiction of the estate of E. M. Goree, deceased, late of Perry county.

Read the first, second and third times, rule suspended, and passed; also,

A bill for the relief of the devisees of Jane Barry, deceased. Same order.

Mr. Cocke: a bill for the relief of D. W. James, administrator of Alexander Hill, deceased.

Read first, second and third times, and passed.

Mr. Rowe: a bill authorizing the Governor to issue a patent, &c.

Read first, second and third times, and passed.

Mr. Heflin: a bill amendatory of the tax laws of this State, as regards peddlars.

Read first and second times, and referred to committee on Finance and Taxation.

Mr. Abernathy presented the petition of Wm. York, Bartlett Owens, and others.

Referred to the committee on Propositions and Grievances.

Mr. Lindsay: a bill for the relief of the deaf and dumb.

Read first and second times, and Mr. Lindsay moved to suspend the rule and read the bill a third time; which was carried.

Yeas 23, nays 8.

Yeas—Messrs. President, Abernathy, Agee, Austin, Bullock, Burnett, Carter, Clitherall, Cocke, Crawford, Deas, Griffin, Hill, Horn, Jones of Fayette, Lindsay, McSpadden, Patton, Rather, Rowe, Storrs, Thompson and Woodward—23.

Nays—Messrs. Bynum, Felder, Fleming, McKinne, Mitchell, Rayburn and Thaxton—8.

The bill was ordered to be engrossed.

Mr. Clitherall: a bill for the benefit of the estate of Pleasant Hill, deceased, late of Bibb county.

Read the first, second and third times, and passed.

Mr. Rather: a bill to regulate the practice in partition suits.

Read the first and second times, and referred to the committee on the Judiciary; also,

A petition from sundry citizens, in regard to free negroes.

Mr. Rather, also, introduced a bill for the relief of Chapel Norwood, of Limestone county.

Read the first and second times, and referred to committee on the Judiciary.

Mr. Patton moved to suspend the rule of the Senate, in reference to the order of business, that he might make a report; which was lost.

Yeas 13, nays 16.

Yeas—Messrs. Bynum, Carter, Clitherall, Crawford, Deas, Jones of Greene, Jones of Fayette, Lindsay, Mitchell, Patton, Rather, Storrs and Woodward—13.

Nays—Messrs President, Abernathy, Agee, Bullock, Cocke, Felder, Fleming, Heflin, Hill, Horn, McKinne, McSpadden, Rayburn, Rowe, Thaxton and Thompson—13.

Mr. Agee, offered a resolution, as follows:

*Resolved.* That, with the concurrence of the House of Representatives, the Houses will meet in the hall of the Houses on Monday next, February 1st, to elect trustees of the University, in the following judicial circuits, to wit:

In the 3d circuit, to fill the expired term of Daniel E. Watrous, and two additional trustees:

In the 5th circuit, to fill the expired term of W. C. Forney;

In the 6th circuit, to fill the expired term of John W. Portis;

In the 7th circuit, to fill the expired term of M. L. Stansell; which was adopted.

Mr. Patton, from the committee on the State Bank and Branches, reported a substitute for the bill to extend the time for the payment of the principal of the debt, due from the Mobile and Ohio Railroad company, to the State of Alabama.

The substitute was adopted.

Mr. Felder moved to amend as follows:

*“Provided,* That the debt shall not be extended unless the Governor is satisfied that the debt and interest is made perfectly safe to the State; which was adopted.

Mr. Burnett moved to amend as follows:

And the said comptroller or treasurer shall be required to confess judgment, as provided in this section; which was adopted.

Mr. Burnett moved to amend as follows:

That the Governor be directed not only to require the first mortgage bonds of the company, to at least the amount of the loan, but also such personal security as he shall deem satisfactory. Said personal security not to be less than fifty per cent. of the amount of the debt.

Mr. Clitherall moved to amend by way of substitute, for the amendment just offered:

And the Governor may require personal security, for any part or the whole of said debt, if, in his opinion, personal security is necessary to guard the State against loss; which was adopted.

The rule was suspended, and the bill read the third time, and passed.

Yeas 18, nays 13.

Yeas—Messrs. President, Abernathy, Austin, Carter, Clitherall, Cocke, Crawford, Deas, Hill, Jones of Fayette, Lindsay, McSpadden, Patton, Rather, Rayburn, Rowe, Storrs and Woodward—18.

Nays—Messrs. Agee, Bullock, Burnett, Bynum, Felder, Fleming, Heflin, Horn, Jones of Greene, McKinne, Mitchell, Thaxton and Thompson—13.

Mr. Clitherall moved to adjourn till 3½.

Mr. Fleming moved to adjourn until Monday morning, at 10 o'clock.

Yeas 16, nays 14.

Yeas—Messrs. Austin, Bynum, Cocke, Felder, Fleming, Griffin, Horn, Jones of Greene, Lindsay, McKinne, Mitchell, Rather, Rayburn, Storrs, Thompson and Woodward—16.

Nays—Messrs. President, Abernathy, Agee, Bullock, Burnett, Clitherall, Deas, Heflin, Hill, Jones of Fayette, McSpadden, Patton, Rowe and Thaxton—14.

And the Senate accordingly adjourned.

MONDAY, February 1, 1858.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Hill.

The House bills:

To incorporate the Montevallo Male and Female Collegiate Institute of the Union Synod of the Cumberland Presbyterian church; and,

To incorporate the town of Columbiana, in the county of Shelby, were severally read the first and second times, and referred to the committee on Corporations; also,

The bill to authorize the intendant of the town of Decatur, to subscribe to the capital stock of the Tennessee and Alabama Railroad, &c.;

The House bills:

For the relief of Aaron Greene; and

The bill to incorporate the Mobile Mechaaics' Institute, were severally read the first, second and third times, and passed;

To prevent the sale of intoxicating liquors in one and a-half miles of the Burnt Corn Academy, in Monroe county, was read the first and second times.

Mr. Agee moved to amend, by striking out "Monroe" and insert "situated on or near the line between Monroe and Conecuh counties;" which was adopted.

The bill was read the third time, and passed.

The House bills:

For the relief of D. B. Burkhalter, of DeKalb county;

To incorporate the Covington County Canal company, were severally read the first, second and third times, rule suspended, and passed.

The engrossed bill:

For the relief of the deaf and dumb in this State, was read the third time, and passed.

Yeas 23, nays 5.

Yeas—Messrs. President, Abernathy, Austin, Bullock, Burnett, Carter, Clitherall, Crawford, Fleming, Griffin, Hill, Horn, Jones of Greene, Jones of Fayette, Lindsay, McSpadden, Patton, Rather, Rayburn, Thompson and Woodward—23.

Nays—Messrs. Bynum, Heflin, McKinne, Rowe and Thaxton—5.

The House bills:

To provide for the pay of witnesses, summoned to attend the circuit court of Covington county; and,

The bill to change the name of Leah J. Stovall, were severally read the first, second and third times, and passed.

On the last bill the vote stood,

Yeas 19, nays 7.

Yeas—Messrs. Abernathy, Austin, Bullock, Bynum, Carter, Crawford, Deas, Felder, Fleming, Griffin, Horn, Jones of Fayette, McKinne, Patton, Rather, Rayburn, Thompson, Thaxton Woodward—19.

Nays—Messrs. President, Agee, Clitherall, Heflin, Hill, McSpadden and Rowe—7.

The bill to prevent betting at ten pins, was read the first and second times, and referred to the committee on the Judiciary.

The bill to incorporate the Estaboga Academy, in Talladega county.

Read first, second and third times, and passed.

The bill for the relief of J. C. Henderson, of Talladega, was read the first and second times, and referred to the committee on Accounts.

Also, the bill for the relief of J. A. Smith, of Sumter county.

The bill to prevent the sale of spirituous liquors within certain limits, was informally returned to the Senate, amended.

Read the third time, and passed.

The bill for the relief of Mary C. Grigsby, of Coosa county.

Read the first and second times, and referred to the committee on Divorce and Alimony.



The bill for the relief of Champion Farris, tax collector of Marshall county.

Read first, second and third times, and passed.

The bill to incorporate the Tallapoosa Mill and Bridge company, was read the first, second and third times, and passed.

Yeas 22, nays 5.

Yeas—Messrs. President, Abernathy, Burnett, Bynum, Carter, Clitherall, Crawford, Deas, Felder, Fleming, Griffin, Heflin, Hill, Horn, Jones of Greene, McKinne, McSpadden, Patton, Rather, Rayburn, Rowe and Woodward—22.

Nays—Messrs. Bullock, Jones of Fayette, Lindsay, Mitchell and Thompson—5.

Mr. Thompson reported as correctly enrolled:

An act for the relief of John S. Barnes;

To amend the Military Code of Alabama, &c.;

To incorporate the Rock Island and Coosa Mining company;

To compensate John A. Elmore and M. A. Baldwin, for services rendered the State.

The House bills:

To create an additional precinct and company beat in the county of Marshall;

To incorporate the Clayton Guards, in Barbour county;

To incorporate the Lincoln Male and Female Academy, in Talladega county;

To incorporate the Forest Hill Female Seminary, in Talladega county; were severally read the first, second and third times, and passed.

The bill to establish a school for the blind, was read the first and second times, and referred to the committee on Education.

The bill for the relief of Henry B. Marks, was read the first and second times.

Mr. Rather moved to extend the provisions of the bill to Chapel Norwood.

The bill was referred to the committee on the Judiciary.

The bill to prevent the retail of spirituous liquors to slaves by boatmen, was read the first and second times.

Amended, on motion of Mr. Clitherall, by striking out the 3d section.

Bill read time, and passed.

Amendment of the House to the bill for the benefit of the estate of James Stapp, deceased, late of Pickens county, was concurred in.

Message from the Governor, by Mr. Phelan, informing the Senate of the approval of the following bills:

An act to change the name of Benton county to Calhoun;

To authorize the election of an additional constable, in beat No. 7, in the county of Barbour;

For the relief of George P. Morrisett, of Monroe county;

An act to authorize the commissioners' court of Coffee county, to pay James D. McLean any monies to which he may be entitled, &c.;

For the relief of Richard Hudson, of Jefferson county;

To change the time of holding the circuit court of Marengo county;

To regulate the time of holding the chancery courts in the counties of Barbour and Sumter;

To amend sections 2471 and 2472 of the Code;

To appoint an additional trustee of Howard College;

Prescribing the mode of bringing suits for school districts in Mobile county;

To amend the charter of the town of Orrville, in Dallas county;

To accept a grant of lands to the State of Alabama, by an act of Congress granting public lands, in alternate sections, to aid in the construction of certain railroads in said State.

On motion of Mr. Abernathy,

Ordered, that "Benton" be stricken from the roll of senatorial districts, and "Calhoun" inserted.

Mr. Lindsay moved to reconsider the vote on the passage of the bill to incorporate the Forest Hill Seminary, in Talladega county; which was carried.

Yeas 15, nays 13.

Yeas—Messrs. President, Agee, Burnett, Bynum, Crawford, Heflin, Jones of Greene, Jones of Fayette, Lindsay, Patton, Rather, Rayburn, Rowe, Storrs and Thaxton—15.

Nays—Messrs. Abernathy, Bullock, Carter, Clitherall, Deas, Felder, Fleming, Hill, McKinne, McSpadden, Mitchell, Thompson and Woodward—13.

The bill was referred to the committee on the Judiciary.

The amendment of the House to the resolution in regard to the election of trustees to the University, was concurred in.

The House bills:

For the relief of Elisha P. Minshew, of Cherokee county;

To incorporate the Bethel Male and Female Academy, in the county of Pike;

To incorporate the Belmont Male and Female Academy, in Sumter county;

To incorporate the Citronelle Female Academy, in Mobile county, were severally read the first, second and third times and passed.

The bill for the relief of purchasers of fractional township 20, range 2, in the Coosa land district.

Read first and second times, and referred to the committee on 16th Sections.

The bill to incorporate the Alabama Fire and Marine Insurance company, of Montgomery, was read the first and second times and referred to the committee on Corporations.

The amendment of the House to the bill to extend the right of trial by jury before justices, was concurred in.

Yeas 30, nays 1.

Yeas—Messrs. President, Abernathy, Agee, Bullock, Bynum, Carter, Clitherall, Crawford, Deas, Felder, Fleming, Heflin, Hill, Horn, Jones of Greene, Jones of Fayette, Lindsay, McKinne, McSpadden, Mitchell, Patton, Rather, Rayburn, Rowe, Storrs, Thaxton, Thompson and Woodward—30.

Nays—Mr. Griffin.

The bill to refund a certain sum of money to the commissioner of free public schools in Marshall county, was read the first and second times, and referred to the committee on 16th Sections.

The bill to amend the act to incorporate the Southern Bank of Alabama, was read the first and second times, and referred to the committee on Banks and Banking.

The bills:

To amend the corporate powers of the city of Montgomery;

To amend the several acts incorporating the town of Tusculumbia, were severally read and laid on the table.

The bill to charter the Alabama Insurance company, was read the first time, and ordered to a second reading.

The bill to incorporate the Southern Insurance company, of Mobile, was read the first and second times, and referred to the committee on Corporations.

The bill for the relief of John Lawson, was read the first and second times, and referred to the committee on Propositions and Grievances.

Ordered that Mr. Abernathy be added to said committee.

The House bills:

To incorporate the Mobile and Point Clear Steamboat company;

For the relief of Jannett Smith, of Wilcox county;

In regard to the fees of magistrates and constables in Baldwin county, allowing the same the sheriffs and clerks of the circuit court receive for like services;

In regard to the Mobile Savings Bank;

For the relief of the corporation of the town of Greenville;

To authorize the probate judge in Baldwin county, to keep

his office within two miles of the court house in said county, were severally read the first, second and third times, and passed; also,

The bill to compensate tax assessors for assessing the county tax for the counties of Choctaw, Lowndes and Autauga ;

The bill to consolidate the several acts incorporating the town of Athens, in Limestone county, was read the first and second times and referred to the committee on Corporations.

The bill to emancipate a certain slave, named Daphne, was read the third time.

The Senate refused to pass the bill.

Yeas 12, nays 16.

Yeas—Messrs. Bynum, Carter, Clitherall, Cocke, Deas, Felder, Horn, Jones of Fayette, McKinne, Rather, Rowe and Storrs.

Nays—Messrs. President, Abernathy, Bullock, Burnett, Crawford, Fleming, Griffin, Heflin, Hill, Jones of Greene, Lindsay, Patton, Rayburn, Thaxton, Thompson and Woodward.

The Senate resumed the consideration of the bill to reorganize the judicial circuits.

The bill was read the third time, and after much discussion,

The Senate adjourned until half past three o'clock, P. M.

#### AFTERNOON SESSION.

The Senate met pursuant to adjournment.

The House bill :

To authorize the trustees of township 14, range 13, to collect notes due said township, was read the second and third times, rule suspended, and passed.

The Senate resumed the consideration of the bill to reorganize the judicial circuits.

The bill was passed.

Yeas 15, nays 13.

Yeas—Messrs. Agee, Bullock, Burnett, Bynum, Carter, Crawford, Deas, Jones of Greene, Lindsay, McKinne, Mitchell, Rayburn, Rowe, Storrs and Thompson—15.

Nays—Messrs. President, Abernathy, Clitherall, Felder, Fleming, Griffin, Heflin, Hill, Jones of Fayette, McSpadden, Rather, Thaxton and Woodward—13.

The Senate proceeded to consider the special order, it being the bill to incorporate the Bank of Alabama.

Mr. Clitherall moved to lay the bill on the table.

Yeas 12, nays 18.

Yeas—Messrs. President, Agee, Austin, Burnett, Clitherall,

Fleming, Heflin, Hill, Jones of Fayette, Lindsay, Thompson and Woodward—12.

Nays—Messrs. Abernathy, Bullock, Bynum, Crawford, Deas, Felder, Griffin, Jones of Greene, McKinne, McSpadden, Mitchell, Patton, Rather, Rayburn, Rowe, Storrs and Thaxton—18.

After much time spent in discussion,

Mr. Bynum moved to adjourn until 10 o'clock to-morrow morning; which was lost.

Yeas 12, nays 17.

Yeas—Messrs. President, Bynum, Felder, Fleming, Jones of Greene, Mitchell, Rather, Rayburn, Rowe, Storrs, Thompson and Woodward—12.

Nays—Messrs. Abernathy, Agee, Austin, Bullock, Burnett, Carter, Clitherall, Crawford, Deas, Heflin, Hill, Jones of Fayette, Lindsay, McKinne, McSpadden, Patton and Thompson—17.

Mr. Clitherall moved to adjourn until this evening at 7 o'clock.

Yeas 8, nays 19.

Yeas—Messrs. Austin, Carter, Clitherall, Crawford, Heflin, Lindsay, McSpadden and Thaxton—8.

Nays—Messrs. President, Abernathy, Agee, Bullock, Burnett, Bynum, Deas, Felder, Fleming, Hill, Jones of Greene, Jones of Fayette, McKinney, Mitchell, Patton, Rather, Rayburn, Thompson and Woodward—19.

The Senate proceeded with the bill to incorporate a bank.

Mr. Bullock moved to amend the 1st section by striking out "30"; which was carried.

Mr. McSpadden moved to amend as follows:

But no person who is not a resident of this State shall be a stockholder.

Mr. Clitherall moved to lay the amendment on the table; which was carried.

Yeas 15, nays 13

Yeas—Messrs. Agee, Bullock, Burnett, Carter, Clitherall, Crawford, Deas, Heflin, Horn, Jones of Greene, Jones of Fayette, Lindsay, McKinne, Patton and Woodward—15.

Nays—Messrs. President, Abernathy, Austin, Bynum, Felder, Fleming, Griffin, Hill, McSpadden, Rather, Rayburn, Thaxton and Thompson—13.

Mr. McSpadden moved to strike out in the 4th section the words "one half," and insert "the whole"; which was lost.

Yeas 11, nays 14.

Yeas—Messrs. President, Bynum, Carter, Crawford, Felder, Heflin, Hill, McSpadden, Rayburn and Thompson—11.

Nays—Messrs. Abernathy, Bullock, Clitherall, Deas, Fleming,

Griffin, Jones of Greene, Jones of Fayette, Lindsay, McKinne, Mitchell, Patton, Rather and Thaxton—14.

Mr. Bynum moved to adjourn till to-morrow, 10 o'clock.

Lost.

Yeas 12, nays 15.

Yeas—Messrs. President, Agee, Bynum, Crawford, Felder, Fleming, Hill, Mitchell, Rather, Rayburn, Thompson and Woodward—12.

Nays—Messrs. Abernathy, Bullock, Burnett, Carter, Clitherall, Deas, Griffin, Heflin, Jones of Greene, Jones of Fayette, Lindsay, McKinne, McSpadden, Patton and Thaxton—15.

Mr. Jones, of Fayette, moved to adjourn till 9 o'clock, to-morrow.

Lost.

Yeas 13, nays 14.

Yeas—Messrs. President, Agee, Burnett, Carter, Crawford, Felder, Fleming, Hill, Jones of Fayette, McKinne, McSpadden, Rayburn and Woodward—13.

Nays—Messrs. Abernathy, Bullock, Bynum, Clitherall, Deas, Griffin, Heflin, Jones of Greene, Lindsay, Mitchell, Patton, Rather, Thaxton and Thompson—14.

Six o'clock, P. M., Mr. Lindsay moved to adjourn till this evening at 7 o'clock.

Lost.

Yeas 9, nays 17.

Yeas—Messrs. Abernathy, Griffin, Heflin, Lindsay, McSpadden, Patton, Rather, Thaxton and Thompson—9.

Nays—Messrs. President, Agee, Bullock, Burnett, Bynum, Carter, Clitherall, Crawford, Felder, Fleming, Hill, Jones of Greene, Jones of Fayette, McKinne, Mitchell, Rayburn and Woodward—17.

Mr. McSpadden moved to amend as follows:

Strike out the words "one half," in the 15th and 16th lines of section 4; which was lost.

Mr. Clitherall moved to amend as follows:

Insert in section 10, "and is not a stockholder in any other bank"; which was adopted.

Mr. Felder moved to amend as follows:

In section 11: "*Provided*, That this restriction shall not apply to the directors for the State, appointed by the Governor"; which was adopted.

Mr. McSpadden moved to amend as follows:

Strike out the words, "in proportion to the stock so transferred," in the 7th line, section 13, and insert, "contracted prior to said transfer."

Twenty minutes to 7, P. M., the Senate adjourned until to-morrow morning, 10 o'clock.

TUESDAY, February 2, 1857.

The Senate met pursuant to adjournment.

The vote referring the bill to incorporate the Forest Hill Female Seminary, in Talladega, was reconsidered.

The names of Robert Samuel and William Stone were added on motion of Mr. Hill.

The bill was read the third time and passed.

Mr. Lindsay gave notice that he would move to reconsider the vote on the passage of the bill to reorganize the judicial circuits.

Mr. Cocke moved to postpone the morning business, to take up the bill to appropriate the two per cent. fund; which was lost.

Yeas 12, nays 15.

Yeas—Messrs. President, Abernathy, Agee, Austin, Cocke, Crawford, Fleming, Heflin, Hill, Jones of Greene, McSpadden and Mitchell—12.

Nays—Messrs. Bullock, Burnett, Bynum, Carter, Clitherall, Deas, Horn, Jemison, Jones of Fayette, Patton, Rather, Rowe, Thaxton, Thompson and Woodward—15.

Mr. Rowe moved to suspend the morning business, that he might make a report from the committee on Accounts.

Mr. Lindsay moved to lay the motion on the table; which was carried.

Yeas 19, nays 11.

Yeas—Messrs. President, Abernathy, Austin, Burnett, Carter, Clitherall, Cocke, Crawford, Fleming, Griffin, Heflin, Hill, Jones of Greene, Jones of Fayette, McKinne, McSpadden, Mitchell, Rayburn and Rowe—19.

Nays—Messrs. Bullock, Bynum, Deas, Felder, Horn, Jemison, Lindsay, Patton, Rather, Thaxton and Woodward—11.

At the hour of 11 o'clock the chair announced the special order, it being the bill to establish a bank.

Mr. Cocke moved to suspend the special order; which was carried.

Yeas 18, nays 12.

Yeas—Messrs. President, Abernathy, Agee, Austin, Clitherall, Cocke, Crawford, Fleming, Heflin, Hill, Jones of Greene, Jones of Fayette, Lindsay, McSpadden, Rayburn, Rowe, Thompson and Woodward—18.

Nays—Messrs. Bullock, Burnett, Bynum, Carter, Deas, Horn, Jemison, McKinne, Mitchell, Patton, Rather and Thaxton—12.

The Senate proceeded to consider the bill to appropriate the two per cent. fund.

Mr. Clitherall moved to lay the bill on the table; which was lost.

Yeas 15, nays 16.

Yeas—Messrs. Austin, Bullock, Bynum, Carter, Clitherall, Felder, Horn, Jemison, Jones of Fayette, McKinne, Rather, Rowe, Thaxton, Thompson and Woodward—15.

Nays—Messrs. President, Abernathy, Agee, Burnett, Cocke, Crawford, Deas, Fleming, Griffin, Heflin, Hill, Jones of Greene, McSpadden, Mitchell, Patton and Rayburn—16.

Mr. Jemison moved to amend as follows:

“SECTION —. That nothing contained in this act shall be so construed as in any wise to interfere with any existing appropriations, made by this or any subsequent legislature, from the said two per cent. fund, accruing or coming into the treasury after the first day of December, 1857”; which was adopted.

Mr. Fleming moved the previous question; which was sustained.

Yeas 18, nays 14.

Yeas—Messrs. President, Abernathy, Agee, Austin, Burnett, Clitherall, Cocke, Crawford, Fleming, Heflin, Hill, Horn, Jones of Greene, McSpadden, Mitchell, Rayburn, Rowe and Woodward—18.

Nays—Messrs. Bullock, Bynum, Carter, Deas, Felder, Jemison, Jones of Fayette, Lindsay, McKinne, Patton, Rather, Storrs, Thaxton and Thompson—14.

The bill was ordered to be engrossed.

Yeas 19, nays 11.

Yeas—Messrs. President, Abernathy, Agee, Austin, Clitherall, Cocke, Crawford, Deas, Felder, Fleming, Heflin, Hill, Horn, Jones of Greene, McSpadden, Mitchell, Patton, Rayburn and Storrs—19.

Nays—Messrs. Bullock, Bynum, Carter, Jones of Fayette, Lindsay, McKinne, Rather, Rowe, Thaxton, Thompson and Woodward—11.

The hour of 12 having arrived, the Senate, on invitation, repaired to the Hall of the House, and the two Houses proceeded to elect trustees for the University, in accordance with the resolution on that subject.

James D. Webb, of Greene, was elected trustee for the third circuit, having received 128 votes.

Newbern H. Brown, of Tuskaloosa, was also elected a trustee for the third circuit, having received 121 votes.



Wm. H. Forney was elected a trustee for the 5th circuit, having received 119 votes.

Mr. L. Stansel was elected a trustee for the 7th circuit, having received 90 votes.

T. H. Herndon was elected a trustee for the 6th circuit, having received 119 votes.

Each of the candidates nominated having received a majority of the whole number of votes given, Mr. Speaker declared them duly and constitutionally elected trustees of the University of Alabama, for the time prescribed by law.

The Senate returned to its chamber.

Mr. Bynum, from the committee on Finance and Taxation, reported adversely on the bill to provide for the compilation of the revenue laws.

The report was concurred in.

Mr. Lindsay, from the committee on the Judiciary, reported the bill in reference to school lands, &c., with an amendment; which was adopted.

The bill read the third time and passed.

Mr. Jones, of Fayette, from the committee on County Boundaries, reported favorably on the bill to fix more definitely the boundary line between the counties of Greene, Tuskaloosa and Pickens.

The bill was ordered to be engrossed.

Mr. Hill reported favorably on the bill to repeal an act declaring Chocologo Creek a public highway.

The bill was read the third time and passed.

Mr. Fleming, from the committee on the Military, reported the bill to enable the quarter master general to rent an arsenal.

The bill was read the third time and passed.

Message from the Governor, informing the Senate of the approval of the following bills:

To incorporate the Rock Island and Coosa Mining company:

To compensate John A. Elmore and M. A. Baldwin, for services rendered the State;

To amend the Military Code of Alabama, to secure the return of the strength and condition of the Military of the State, and for other purposes;

For the relief of John S. Barnes.

Mr. Clitherall, from the committee on the Judiciary, reported favorably on the bill to amend the law in relation to the sales of cotton by factors, in the city of Mobile.

The bill was referred to a select committee of five, to consist of planters—Messrs. Jemison, Hill, Thompson, Jones of Greene, Woodward and Deas.

And the Senate adjourned until 3½, P. M.

## AFTERNOON SESSION.

The Senate met pursuant to adjournment.

Mr. Bullock introduced a bill to authorize Philip A. Fitz to practice law in all the courts of this State; which was read the first, second and third times, and passed.

Mr. Jemison introduced a bill to amend the charter of the Tuskaloosa Bridge company, approved January 2d, 1833; which was read the first, second and third times, and passed.

Mr. Bullock, from the committee on the Judiciary, reported the bill to authorize the Governor to appoint an agent to settle with Jordan & Moore, lessees of the penitentiary, and to define the laws relating to that institution, with amendments; which were adopted.

The bill was read the third time, and passed.

Mr. Bullock reported the bill to amend the law of executors and administrators.

Bill read third time and passed.

Mr. Clitherall reported favorably on the bill to amend section 2471 of the Code.

Bill read the third time and passed.

Mr. Clitherall also reported favorably on the bill to amend the law in relation to appeals from justices' courts.

Bill read the third time and passed.

Mr. Clitherall also reported favorably on the bill to reprint certain volumes of the reports of the supreme courts.

Bill read third time and passed.

Mr. Bullock reported favorably on the bill to provide for the distribution of the Alabama Reports to registers in chancery.

Also, favorably on the bill for the relief of defendants in execution, in Autauga county.

Bills severally read the third time, and passed.

Mr. Hill reported unfavorably on the bill to establish a board of dental surgeons in the city of Montgomery.

The report was concurred in.

Also, favorably on the bill for the relief of Wm. G. Levanson.

Mr. Clitherall moved to lay the bill and report on the table.

Yeas 14, nays 12.

Yeas—Messrs. President, Agee, Austin, Burnett, Bynum, Clitherall, Crawford, Deas, Heflin, Jones of Greene, McSpadden, Rowe, Thaxton and Thompson—14.

Nays—Messrs. Abernathy, Bullock, Carter, Felder, Griffin, Hill, Jones of Fayette, McKinne, Mitchell, Patton, Rayburn and Woodward—12.

Mr. Mitchell, from the committee on Divorce and Alimony,

reported the bill to divorce Nancy Allen and other persons therein named;

The bill to divorce certain persons therein named—four bills of this title;

The bill to divorce Harriet H. Eustace;

The bill to divorce Sarah E. Eustice from her husband Joseph G. Eustice;

To divorce James R. Sims from Caroline M. Sims;

To divorce Elizabeth Liles, and to divorce eight other persons therein named;

To divorce Reuben B. Franklin from his wife, Nancy Franklin, and to divorce other persons therein named.

These bills were severally read the third time, and passed by the constitutional majority.

Mr. Rowe, from the committee on Accounts, reported a bill to compensate certain persons therein named.

The bill was read the first, second and third times, and passed.

Mr. Rowe reported favorably on the bill for the relief of J. A. Smith, of Sumter county; which was read the third time and passed.

Mr. Austin, from the committee on Accounts, reported the bill for the benefit of certain persons therein named, with an amendment; which was adopted.

The bill read the third time and passed.

Mr. Rayburn reported favorably on the bill for the relief of James S. Bain and Elisha Woolsey.

The bill was read the third time and passed.

Mr. E. P. Jones, from the committee on County Boundaries, reported favorably on the bill to declare Geo. W. Salter, a citizen of Monroe county.

The bill was read the third time and passed.

Yeas 20, nays 6.

Yeas—Messrs. President, Abernathy, Agee, Austin, Burnett, Clitherall, Crawford, Deas, Heflin, Hill, Jones of Greene, Jones of Fayette, McKinne, McSpadden, Mitchell, Patton, Rayburn, Rowe and Thompson—20.

Nays—Messrs. Bullock, Bynum, Felder, Lindsay, Thaxton and Woodward—6.

Mr. Agee reported a substitute for the bill to provide for the publication of the public statutes of Alabama.

Mr. Jones, of Greene, moved to lay the report and bill on the table.

Carried.

Yeas 14, nays 12.

Yeas—Messrs. President, Abernathy, Austin, Bullock, Bur-

nett, Deas, Jones of Greene, McKinne, McSpadden, Mitchell, Patton, Rowe, Thompson and Woodward—14.

Nays—Messrs. Agee, Bynum, Carter, Clitherall, Crawford, Felder, Heflin, Hill, Jones of Fayette, Lindsay, Rayburn and Thaxton—12.

Mr. Agee, from the committee on Public Printing, reported joint resolutions authorizing the Governor to receive that portion of the geological report which has been printed.

The bill and report were laid on the table.

Mr. Woodward, from the committee on Finance and Taxation, reported favorably on the bill for the relief of Ward P. Lay.

Bill read third time, and passed.

Also, reported adversely on the bill to consolidate the offices of tax collector and tax assessor in the county of Bibb.

Report concurred in.

Mr. Heflin reported favorably on the bill to incorporate the Alabama Planters' Steamboat company.

Also, reported the bill to incorporate a medical board in the county of Pike.

Severally read the third time and passed.

Mr. McKinne, from the committee on Corporations, reported the bill to incorporate the Midway Academy, in Barbour county.

Bill read third time and passed.

Mr. Heflin reported favorably on the bill to incorporate the North Alabama Mining and Manufacturing company.

Read third time and passed.

Mr. Rayburn, from the committee on Corporations, reported favorably on the bill to incorporate the Tuscumbia Female Seminary.

Bill read third time and passed.

Mr. Heflin, from the select committee, to whom was referred the bill to change the third and seventh Congressional districts, reported said bill to the Senate, and recommended its passage.

And the Senate adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY, February 3, 1858.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Tichenor.

Mr. Storrs, from the committee on Corporations, reported favorably on the bill to incorporate the town of Maysville, in the county of Madison.

Also, the bill to incorporate the Montevallo Male and Female Institute, of the Union Synod of the Cumberland Presbyterian Church; and,

The bill to incorporate the town of Columbiana, in the county of Shelby; also,

The bill to authorize the intendant of the town of Decatur to subscribe to the capital stock of the Tennessee and Alabama Central Railroad, &c.; which were severally read the third time and passed.

Mr. Patton, from the committee on Banks and Banking, to whom was referred the bill to amend an act to extend the charter of the Mobile Bank, reported the same to the Senate, and recommended its passage.

Mr. President (Mr. Clitherall in the chair) moved to amend by adding at the end of the bill, the words, "and no higher rates of interest."

The amendment was laid on the table.

The bill was read the third time, and passed.

Mr. Jemison, from the select committee, to which was referred the bill to amend the law in relation to the sale of cotton by factors in the city of Mobile, reported the bill, and recommended its passage.

The hour of 11 having arrived, the Senate proceeded to consider the special order, it being the bill to incorporate the Bank of Alabama.

The amendment offered by Mr. McSpadden was laid on the table.

Mr. Burnett moved to strike out the word "six," in the 5th line of section 13, and insert "twelve"; which was lost.

Mr. Felder moved to strike out the words "past due," in 12th line of section 13; which was adopted.

Mr. Lindsay moved to amend as follows:

"No party owing debts to said Bank shall assign his share or shares, until such indebtedness be paid, and shall receive no dividend when owing to said Bank debts passed due"; which was lost.

Yeas 9, nays 41.

Yeas—Messrs. Bynum, Felder, Heflin, Hill, Lindsay, McKinne, Rather, Rayburn and Woodward—9.

Nays—Messrs. Abernathy, Bullock, Burnett, Crawford, Deas, Griffin, Jemison, Jones of Fayette, Mitchell, Patton and Thaxton—41.

Mr. Bynum moved to strike out "one fourth," and insert "one eighth," in the 9th line; which was adopted.

Mr. Rowe moved to amend as follows:

*Provided*, That no stockholder shall at any time become indebted to said Bank, either directly or indirectly, to more than

one half the amount of stock owned by said stockholder, and paid for by said stockholder.

Mr. Lindsay moved to amend the amendment as follows:

"Owning twenty thousand dollars of stock or upwards."

Mr. Jemison moved to lay the amendments on the table.

A division of the question being called, it was first taken on laying the amendment to the amendment on the table, and carried.

Yeas 21, nays 6.

Yeas—Messrs. Abernathy, Austin, Burnett, Bynum, Crawford, Deas, Felder, Fleming, Griffin, Heflin, Hill, Jemison, Jones of Fayette, McKinne, McSpadden, Mitchell, Patton, Rather, Rowe, Thaxton and Woodward—21.

Nays—Messrs. Agee, Bullock, Clitherall, Lindsay, Rayburn and Storrs—6.

The question recurred on laying the amendment on the table, and carried.

Yeas 17, nays 11.

Yeas—Messrs. Agee, Austin, Bullock, Burnett, Bynum, Deas, Fleming, Griffin, Jemison, Jones of Greene, Lindsay, McKinne, Mitchell, Patton, Storrs, Thaxton and Woodward—17.

Nays—Messrs. President, Abernathy, Clitherall, Crawford, Felder, Heflin, Hill, McSpadden, Rather, Rayburn and Rowe—11.

Mr. McSpadden moved to amend by inserting, "or persons acting as such at said Bank"; which was adopted.

Mr. President moved to amend as follows:

In article 2, section 16, eighth line, strike out "bound," and insert, "liable"; which was adopted; also,

Strike out in ninth line, "in proportion to their stock holder therein," and insert, "as partners in trade"; which was adopted.

Yeas 15, nays 14.

Yeas—Messrs. President, Agee, Austin, Bynum, Crawford, Fleming, Griffin, Heflin, Hill, Lindsay, McSpadden, Rayburn, Rowe, Thompson and Woodward—15.

Nays—Messrs. Abernathy, Bullock, Clitherall, Cocke, Deas, Felder, Jemison, Jones of Fayette, McKinne, Mitchell, Patton, Rather, Storrs and Thaxton—14.

Mr. Deas moved to lay the bill on the table; which was carried.

Yeas 18, nays 11.

Yeas—Messrs. Austin, Bullock, Bynum, Clitherall, Cocke, Deas, Felder, Fleming, Heflin, Hill, Jemison, Jones of Fayette, Lindsay, McKinne, Mitchell, Rowe, Thaxton, Thompson and Woodward—18.

**Nays**—Messrs. President, Abernathy, Agee, Burnett, Crawford, Griffin, McSpadden, Patton, Rather, Rayburn and Storrs—11.

**Mr. Bullock** moved to take the bill from the table; which was carried.

**Yeas 20, nays 12.**

**Yeas**—Messrs. Abernathy, Bullock, Burnett, Carter, Cooke, Crawford, Deas, Felder, Griffin, Jemison, Jones of Fayette, Jones of Greene, McKinne, McSpadden, Mitchell, Patton, Rather, Rayburn, Storrs and Thaxton—20.

**Nays**—Messrs. President, Agee, Austin, Bynum, Clitherall, Fleming, Heflin, Hill, Lindsay, Rowe, Thompson and Woodward—12.

**Mr. Thompson** reported as correctly enrolled:

For the relief of the trustees of the estate of Louisa H. Stringfellow, deceased;

To incorporate the Union Town and Jackson Railroad company;

To amend the laws regulating the settlement of the estates of deceased persons;

To allow the probate judge of Montgomery county to take jurisdiction of the estate of Wiggins W. Whitaker, deceased, of Autauga county;

To authorize A. M. Lewis, of Marengo county, to erect gates across a certain public road;

To extend an act to incorporate Grafenburge Medical Institute;

To extend the Spring term of the circuit court of Choctaw county;

To incorporate a company of artillery at Greensboro';

For the relief of the estate of Abraham Pennington, late of Choctaw county;

To establish election precincts, and for other purposes;

For the relief of certain persons therein named;

To incorporate the Eufaula Rifles;

For the relief of Hart McCall, late tax collector of Barbour county, and his sureties;

For the benefit of the estate of James Stapp, deceased, late of Pickens county.

**Message from the House, by Mr. Hames:**

**Mr President:** The House of Representatives has concurred in the Senate's amendments to the House bills:

To incorporate the Citronelle Female Academy, of Mobile;

To prevent the sale of spirituous liquors within certain limits;

For the relief of Aaron Green;

To prevent the sale of intoxicating liquors in one mile and a half of the Burnt Corn Academy, at Burnt Corn, in Macon county.

The Senate proceeded with the bill to establish a bank.

Mr. Agee moved to reconsider the vote on the last amendment offered by Mr. President.

The vote was reconsidered.

Yeas 19, nays 12.

Yeas—Messrs. Abernathy, Agee, Bullock, Carter, Clitherall, Cocke, Crawford, Deas, Felder, Griffin, Jemison, Jones of Fayette, Jones of Greene, McKinne, Mitchell, Patton, Rather, Storrs and Thaxton—19.

Nays—Messrs. President, Austin, Burnett, Fleming, Heflin, Hill, Lindsay, McSpadden, Rayburn, Rowe, Thompson and Woodward—12.

The question recurred on the adoption of the amendment.

The amendment was rejected.

Yeas 12, nays 19.

Yeas—Messrs. President, Austin, Burnett, Fleming, Heflin, Hill, Lindsay, McSpadden, Rayburn, Rowe, Thompson and Woodward—12.

Nays—Messrs. Abernathy, Agee, Bullock, Carter, Clitherall, Cocke, Crawford, Deas, Felder, Griffin, Jemison, Jones of Greene, Jones of Fayette, McKinne, Mitchell, Patton, Rather, Storrs and Thaxton—19.

Message from his excellency, the Governor :

Mr. President: His excellency, the Governor, has approved of bills which originated in the Senate, of the following titles:

An act for the benefit of the estate of James Stapp, deceased, late of Pickens county ;

An act to extend the Spring term of the circuit court of Choctaw county ;

An act to amend an act to incorporate a company of artillery at Greensboro ;

An act to extend an act to incorporate the Gräfenburg Medical Institute ;

An act to authorize A. M. Lewis, of Marengo county, to erect gates across a certain public road ;

An act for the relief of the estate of Abraham Pennington, late of Choctaw county ;

An act to incorporate the Rockford Mining company ;

An act to give the court of probate, of Greene county, jurisdiction of the estate of Caroline M. Goree, deceased, late of Perry county ;

An act to amend an act to incorporate the town of Claiborne ;



An act to amend an act to enable Silas Morphew, of the county of Walker, to erect a dam therein named;

An act to amend an act, approved February 3d, 1852, to incorporate the North Alabama College;

An act to provide for printing the reports of comptroller of public accounts, state treasurer, and inspectors of the penitentiary;

An act to extend the debts due the sixteenth sections.

Mr. Lindsay moved that the Senate adjourn until to-morrow morning, 10 o'clock.

Lost.

Yeas 5, nays 27.

Yeas—Messrs. President, Bynum, Rowe, Lindsay and Thompson—5.

Nays—Messrs. Abernathy, Agee, Austin, Bullock, Burnett, Carter, Clitherall, Cocke, Crawford, Deas, Felder, Fleming, Griffin, Heflin, Hill, Jemison, Jones of Greene, Jones of Fayette, McKinne, McSpadden, Mitchell, Patton, Rather, Rayburn, Storrs, Thaxton and Woodward—26.

The Senate adjourned until 3½ o'clock, P. M.

#### AFTERNOON SESSION.

The Senate met pursuant to adjournment.

Mr. Clitharall introduced a bill for the sale of free negroes for debts contracted by them, &c.; which was read.

Mr. Bynum moved to lay the bill on the table; which was lost.

Yeas 2, nays 18.

Yeas—Messrs. Austin and Bynum.

Nays—Messrs. President, Abernathy, Agee, Bullock, Clitherall, Crawford, Deas, Felder, Griffin, Heflin, Hill, Jones of Fayette, Lindsay, McKinne, Patton, Rather, Rayburn and Thaxton—18.

The bill was read the second time.

Mr. Felder moved to amend as follows:

*Provided further*, That all free persons of color who do not choose a master, shall leave this State within one year from the passage of this act, never more to return; which was adopted.

Mr. Cocke moved to lay the bill on the table; which was carried.

Yeas 18, nays 12.

Yeas—Messrs. President, Abernathy, Agee, Austin, Bullock, Burnett, Bynum, Carter, Cocke, Crawford, Deas, Griffin, Mitchell, Patton, Rowe, Thompson and Woodward—18.

**Nays**—Messrs. Clitherall, Felder, Heflin, Hill, Jemison, Jones of Fayette, Lindsay, McKinne, McSpadden, Rather, Rayburn and Thaxton—12.

The Senate resumed the bill to incorporate the bank of Alabama.

Mr. McSpadden moved to amend as follows:

Strike out "one-fourth" in 2d line of rule 2d, and insert "one third"; which was adopted.

Mr. Lindsay moved to amend, by striking out "and if withdrawn, shall immediately proceed to replace the deficiency"; which was lost.

Mr. McSpadden moved to strike out "three" in the 68th line, rule 12, and insert "two"; which was lost.

Mr. President moved to amend as follows:

*"Be it further enacted,* That by way of bonus for granting this charter, the said Bank shall pay annually into the State, on the day when other taxes are payable, seventy-five cents on every hundred dollars of stock, and the county taxes in addition."

Mr. Cocke moved to lay the amendment on the table.

Carried.

Yeas 15, nays 11.

**Yeas**—Messrs. Bullock, Carter, Cocke, Crawford, Deas, Felder, Jemison, Jones of Fayette, McKinne, Mitchell, Patton, Rather, Storrs, Thaxton and Woodward—15.

**Nays**—Messrs. President, Abernathy, Agee, Burnett, Bynum, Clitherall, Heflin, Hill, Lindsay, McSpadden and Thompson—11.

Mr. McSpadden moved to amend as follows:

Strike out "county, city or other authority," in the 7th and 8th lines of section 17.

Mr. Clitherall moved to lay the amendment on the table: which was carried.

Yeas 15, nays 12.

**Yeas**—Messrs. Bullock, Carter, Clitherall, Cocke, Crawford, Deas, Felder, Jemison, Jones of Fayette, McKinne, Mitchell, Patton, Rather, Storrs and Thaxton—15.

**Nays**—Messrs. President, Abernathy, Agee, Burnett, Bynum, Heflin, Hill, Lindsay, McSpadden, Rayburn, Thompson and Woodward—14.

Mr. President moved to amend as follows:

Strike out "twice" in section 17, and insert "thrice."

Carried.

Yeas 15, nays 11.

**Yeas**—Messrs. President, Agee, Burnett, Bynum, Clitherall,

Griffin, Heflin, Hill, Lindsay, McSpadden, Rather, Storrs, Thaxton, Thompson and Woodward—15.

Nays—Messrs. Bullock, Carter, Cocke, Deas, Felder, Jemison, Jones of Greene, McKinne, Mitchell, Patton and Rowe—11.

Mr. Lindsay moved the previous question; which was sustained; and, on the question,

Shall the bill be ordered to be engrossed for a third reading? the vote stood,

Yeas 18, nays 12.

Yeas—Messrs. Abernathy, Bullock, Bynum, Carter, Cocke, Crawford, Deas, Felder, Griffin, Jemison, Jones of Greene, McKinne, Mitchell, Patton, Rather, Rayburn, Storrs and Thaxton—18.

Nays—Messrs. President, Agee, Austin, Burnett, Clitherall, Fleming, Heflin, Hill, Lindsay, McSpadden, Rowe, Thompson and Woodward—12.

The Senate resumed the bill to appropriate the three per cent. fund.

Mr. Bynum moved to amend the bill as follows:

*"Be it enacted, &c., That the sum of ten thousand dollars be, and the same is hereby, appropriated out of the three per cent. fund now in the treasury, to be expended and applied under the direction of the Governor, in making a reconnoissance for a route for a railroad from Decatur, on the Tennessee river, to some point on the Alabama and Tennessee Rivers' railroad, and to make a thorough survey of the most practicable route to connect the Tennessee river with the navigable waters of Mobile bay, with reference to the development of the mineral region of the State; which said consideration and survey must be made in the year 1858, report made to the Governor; which said report shall contain a full statement of the length of the route, grade, cost per mile, together with the particulars that are usually observed in surveys of this description."*

Adopted.

Yeas 17, nays 11.

Yeas—Messrs. President, Abernathy, Austin, Bynum, Carter, Deas, Felder, Jemison, Jones of Fayette, McKinne, McSpadden, Patton, Rather, Rayburn, Storrs, Thaxton and Woodward—17.

Nays—Messrs. Agee, Bullock, Clitherall, Cocke, Crawford, Heflin, Hill, Jones of Greene, Mitchell, Rowe and Thompson—11.

Mr. Carter moved to amend as follows, by way of engrossed rider:

*"SECTION —. And be it further enacted, That fifty thousand dollars be appropriated out of the three per cent. fund, for the*

Girard and Mobile Railroad company, to be drawn for in favor of said company as such appropriations usually are."

Mr. Storrs moved to lay the amendment on the table.

Yeas 20, nays 12.

Yeas—Messrs. President, Abernathy, Austin, Bynum, Cocke, Crawford, Deas, Felder, Heflin, Hill, Jemison, Jones of Greene, Lindsay, McSpadden, Patton, Rayburn, Storrs, Thaxton, Thompson and Woodward—20.

Nays—Messrs. Agee, Bullock, Burnett, Bynum, Carter, Clitherall, Griffin, Jones of Fayette, McKinne, Mitchell, Patton and Rowe—12.

Mr. Clitherall moved to amend:

"And that the sum of ten thousand dollars of the three per cent. fund is hereby appropriated for the payment of the survey of the Alabama and Noxubee Mississippi Railroad company, to be paid to the order of the president of the said road."

Mr. Rowe moved to lay the bill and amendment on the table.

Divison of the question, 1st on the bill; and lost.

Yeas 12, nays 19.

Yeas—Messrs. Bullock, Burnett, Carter, Clitherall, Crawford, Griffin, Jones of Fayette, Lindsay, McKinne, Mitchell, Rowe and Thompson—12.

Nays—Messrs. President, Abernathy, Agee, Austin, Bynum, Cocke, Deas, Felder, Heflin, Hill, Jemison, Jones of Greene, McSpadden, Patton, Rather, Rayburn, Storrs, Thaxton and Woodward—19.

Question recurred on laying the amendment on the table, and carried.

Yeas 24, nays 6.

Yeas—Messrs. President, Abernathy, Agee, Austin, Bullock, Bynum, Cocke, Crawford, Deas, Felder, Griffin, Heflin, Hill, Jemison, Jones of Greene, Lindsay, McSpadden, Mitchell, Patton, Rather, Rayburn, Storrs, Thaxton and Thompson—24.

Nays—Messrs. Burnett, Clitherall, Jones of Fayette, McKinne, Rowe and Woodward—6.

Mr. Jones, of Greene, moved to amend as follows:

"That ten thousand be, and the same is hereby, appropriated out of the three per cent. fund, to aid in making a survey of the railroad from Union Town to Jackson, on the Tombigbee.

Mr. Bynum moved the previous question; which was sustained.

Yeas 19, nays 11.

Yeas—Messrs. President, Abernathy, Austin, Bullock, Bynum, Carter, Cocke, Deas, Felder, Heflin, Hill, Jemison,

McSpadden, Mitchell, Patton, Rather, Rayburn, Storrs and Thaxton—19.

Nays—Messrs. Agee, Burnett, Clitherall, Crawford, Jones of Greene, Jones of Fayette, Lindsay, McSpadden, Rowe, Thompson and Woodward—11.

The bill passed.

Yeas 18, nays 12.

Yeas—Messrs. President, Abernathy, Austin, Bynum, Cocke, Deas, Felder, Heflin, Hill, Jemison, Jones of Greene, McSpadden, Patton, Rather, Rayburn, Storrs, Thaxton and Woodward—18.

Nays—Messrs. Agee, Bullock, Burnett, Carter, Clitherall, Crawford, Fleming, Jones of Fayette, Lindsay, McKinne, Mitchell, Rowe and Thompson—12.

And the Senate ordered the same instant to the House of Representatives.

The Senate then adjourned.

THURSDAY, February 4, 1858.

The Senate met pursuant to adjournment.

The nominations of the Governor, for president and trustees of the Alabama Insane Asylum, to wit:

For president, Dr. Reuben Learey, of Tuscaloosa, for the term of six years;

For trustees, Dr. James Guild, for six years; James C. Spencer, for two years; Richard T. Nott, of Greene, for four years; Porter King, of Perry, two years; Dr. A. G. Mabry, of Dallas, six years; A. B. Clitherall, of Pickens, four years, were confirmed by the Senate.

The House bills:

To provide for the transfer of all matters relating to the school funds, from the State Bank and Branches, to the office of the superintendent of education, was read the third time, and passed.

The bill to compensate John W. Shepherd, for his services as clerk of the Judiciary committee of House, was read the first and second times.

Mr. Bynum moved to strike out "five" before dollars, and insert "four."

Lost.

Yeas 13, nays 17.

Yeas—Messrs. President, Abernathy, Agee, Bynum, Crawford, Fleming, Griffin, Heflin, Hill, McKinne, McSpadden, Rowe, Thaxton and Thompson—13.

Nays—Messrs. Austin, Bullock, Burnett, Carter, Clitherall,

Cocke, Deas, Felder, Jemison, Jones of Greene, Jones of Fayette, Lindsay, Patton, Rather, Rayburn, Storrs and Woodward—17.

The bill was read the third time, and passed.

Mr. Thompson, from the committee on Enrolled Bills, reported as correctly enrolled:

An act for the benefit of Pleasant Hill, deceased, late of Bibb county;

An act for the relief of D. W. James, administrator of Alexander Hill, deceased;

An act for the relief of the deaf and dumb.

The amendments of the House to the bill to dispose of the remaining affairs of the State Bank and Branches, were concurred in.

The House bills:

To authorize the Governor to issue a patent in a certain case;

To establish the boundary line between the counties of Jefferson and St. Clair;

To repeal an act therein named, so far as applies to Tallapoosa county;

To regulate the practice in partition suits;

To amend the corporation of Livingston;

To amend section 1847 of the Code;

To amend section 733 of the Code; were severally read the first, second and third times, and passed.

The bill to extend the corporate limits of Salem, in Russell county, was read the first time.

Mr. Griffin moved to suspend the rule, and read the bill the second time; which was carried.

Yeas 22, nays 9.

Yeas—Messrs. Austin, Bullock, Burnett, Bynum, Carter, Clitherall, Cocke, Crawford, Deas, Felder, Griffin, Hill, Jemison, Jones of Fayette, McKinne, Mitchell, Patton, Rather, Rowe, Storrs and Woodward—22.

Nays—Messrs. President, Abernathy, Agee, Fleming, Heflin, Jones of Greene, McSpadden, Thaxton and Thompson—9.

The bill was ordered to a second reading.

The bill to prevent target shooting and cock fighting within one hundred yards of the public road, was read the first and second times.

Mr. Fleming moved to lay the bill on the table.

Carried.

Yeas 17, nays 11:

Yeas—Messrs. President, Agee, Bullock, Bynum, Crawford, Deas, Felder, Fleming, Jones of Greene, Jones of Fayette, Mc-

Kinne, Mitchell, Rather, Storrs, Thaxton, Thompson and Woodward—17.

Nays—Messrs. Abernathy, Carter, Clitherall, Cocke, Griffin, Heflin, Hill, Jemison, McSpadden, Rayburn and Rowe—11.

The House bills :

To change the boundary line between the counties of DeKalb and Cherokee ;

To regulate the appointment and duties of patrols for the county of Lowndes ;

To amend the several acts incorporating the town of Florence, in the county of Lauderdale ;

For the relief of W. B. & A. B. Bell ;

To amend an act to grant certain powers to the commissioners' court of roads and revenue for the county of Lauderdale, approved 31st January 1846, were severally read the first, second and third times and passed.

The House bill :

To authorize the consolidation of stock by the North East and South West Alabama Railroad and the Wills Valley company, was read the first and second times.

Mr. McSpadden moved to suspend the rule and read the bill the third time.

Carried.

Yeas 25, nays 1.

Yeas—Messrs. President, Abernathy, Agee, Bullock, Burnett, Bynum, Carter, Clitherall, Cocke, Deas, Felder, Fleming, Heflin, Hill, Jones of Greene, Jones of Fayette, Lindsay, McKinne, McSpadden, Rather, Rayburn, Rowe, Storrs, Thaxton and Woodward—25.

Nays—Mr. Griffin.

The bill was read the third time and passed.

The House bills :

For the relief of Hester Seward, administratrix, and John R. Brister, administrator of James M. Seward, deceased ;

To regulate the times of holding the circuit courts of Wilcox, Lowndes and Dallas ; were severally read the first, second and third times and passed ;

The bill to incorporate the Blount County Botanical Medical Board, was read first and second times, and laid on the table ; also,

The bill to establish a new election precinct in Shelby county.

The House bill :

To amend the charter of the Marion Railroad company, and to extend said road.

The Senate bill :

To repeal an act to incorporate the town of Guntersville, in the County of Marshall;

To compensate the tax assessor of the county of Choctaw; were severally read the first, second and third times and passed;

The bill to provide for the payment of certain claims against the State, was read the first and second times, and referred to the committee on Accounts and Claims.

The bill to change the boundary line between the counties of Greene, Tuscaloosa and Pickens, was read the third time.

The Senate refused to pass the bill.

The bill to require the publication of a list of the debts and debtors of the State Bank and Branches, was read the second time, and referred to the committee on the State Bank and Branches.

The bill to authorize the Governor to make Wills Godwin, of Russell county, a title to certain lands; was laid on the table.

The bill to extend the jurisdiction of the probate court, in certain cases, was read the third time, and referred to the committee on the Judiciary; also,

The bill to give Mrs. Minnie Bland control of a certain estate;

The bill to incorporate the Alabama Insurance company, was read the second time, and referred to the committee on Corporations.

The Senate proceeded to consider the bill to incorporate the Bank of Alabama.

The bill was read the third time.

Mr. Bullock moved that the Senate now proceed to fill the blank, as to the place of location; which was carried.

Eufaula, Tuscaloosa and Mobile being in nomination.

Those who voted for Eufaula, are:

Messrs. President, Agee, Austin, Bullock, Burnett, Carter, Fleming, Griffin, Heslin, Jones of Greene, Lindsay, McKinne, Mitchell, Rayburn, Rowe, Thaxton and Thompson—18.

Those who voted for Tuscaloosa, are:

Messrs. Bynum, Clitherall, Cocke, Jemison, Jones of Fayette, Patton, Rather and Storrs—8.

Those who voted for Mobile, are:

Messrs. Deas, Hill, McSpadden and Woodward—4.

Mr. Felder and Mr. Crawford voted for Wetumpka.

Eufaula having received a majority of the whole number of votes given, Mr. Bullock moved to fill the first blank with Eufaula.

Carried.

The second blank was filled with .....\$500,000

The 3d blank was filled with..... 300,000

The 4th blank was filled with..... 90,000



The 5th blank was filled with.....\$300,000

The 6th blank was filled with..... 500,000

The 7th blank was filled with..... Eastern

The 8th blank was filled with..... 1886

The caption was filled by inserting Eastern before Bank.

On the question, shall the bill pass, the vote stood.

Yeas 17, nays 14.

Yeas—Messrs. Abernathy, Bullock, Bynum, Carter, Cocke, Deas, Felder, Griffin, Jemison, Jones of Greene, McKinne, Mitchell, Patton, Rather, Rayburn, Storrs and Thaxton—17.

Nays—Messrs. President, Agee, Austin, Burnett, Clitherall, Fleming, Heflin, Hill, Jones of Fayette, Lindsay, McSpadden, Rowe, Thompson and Woodward--14.

Mr. President decided that the bill was lost, as the constitution required two-thirds in order to pass the bill.

From this decision, Mr. Bullock appealed, and the decision of the chair was not sustained.

Ordered that the bill be sent forthwith to the House.

Mr. Patton, from the select committee, to whom was referred the bill to provide for the enclosure and improvement of the grounds of the Insane Hospital, &c., reported the bill and recommended its passage.

The bill read the third time, and passed.

And the Senate then adjourned.

#### AFTERNOON SESSION.

The Senate met pursuant to adjournment.

Mr. Lindsay introduced a bill to change the time of holding the circuit courts of St. Clair and Jefferson counties, &c.; was read the first, second and third times, and passed.

Mr. Felder, from the committee on the Judiciary, reported favorably on the bill to change the times of holding some of the Fall terms of the middle chancery division.

Read the third time, and passed.

Mr. Austin reported favorably on the bill to change and regulate the time of holding the Spring terms of the circuit courts in the counties of Madison, Marshall and Jackson.

The bill was read the third time, and passed.

Mr. Lindsay introduced a bill to compensate the editors of the *Advertiser* and *Mail*, for reporting the proceedings of the General Assembly.

The bill was read.

Mr. Bynum moved to lay the bill on the table; which was carried.

Yeas 11, nays 10.

Yeas—Messrs. President, Abernathy, Austin, Bynum, Hill, Jones of Fayette, McSpadden, Patton, Rather, Rayburn and Woodward—11.

Nays—Messrs. Agee, Bullock, Burnett, Clitherall, Deas, Felder, Griffin, McKinne, Lindsay and Thaxton—10.

Mr. McKinne, from the committee on Corporations, reported the bill to incorporate the State Mutual Insurance company, with amendments; which were adopted.

The bill was read the third time, and passed.

Yeas 17, nays 12.

Yeas—Messrs. Abernathy, Agee, Austin, Carter, Clitherall, Crawford, Deas, Griffin, Heflin, Hill, Jemison, McKinne, McSpadden, Patton, Storrs and Woodward—17.

Yeas—Messrs. President, Burnett, Bynum, Felder, Jones of Greene, Jones of Fayette, Mitchell, Rather, Rayburn, Rowe, Thaxton and Thompson—12.

Mr. Storrs reported favorably on the bill to incorporate the Cahaba and Tuskaloosa Telegraph company.

Bill read the third time, and passed.

Also, reported favorably on the bill to incorporate the Citronelle and McIntosh Bluff Plank Road company; which was read the third time, and passed.

Also, the bill to incorporate the town of Union Springs, in Macon county, was read the second time.

The Senate refused to suspend the rule and read the third time.

Yeas 16, nays 8.

Yeas—Messrs. Agee, Austin, Carter, Clitherall, Deas, Felder, Griffin, Jemison, Jones of Fayette, McKinne, McSpadden, Mitchell, Rather, Rayburn, Storrs and Woodward—16.

Nays—Messrs. President, Abernathy, Burnett, Bynum, Crawford, Heflin, Jones of Greene, and Thaxton—8.

Mr. Rather reported favorably on the bill to repeal an act to make a loan to the Alabama and Tennessee Rivers Railroad company.

Also, favorably on the bill to incorporate the Baldwin and Perdido Railroad company.

The bills were severally read the third time, rule suspended, and passed.

Mr. Felder reported a substitute for the bill to provide for lighting the capitol with gas.

Mr. Bynum moved to lay the bill and report on the table.

Yeas 19, nays 7.

Yeas—Messrs. President, Abernathy, Burnett, Bynum, Carter,

Deas, Griffin, Heflin, Hill, Jones of Fayette, Lindsay, McSpadden, Mitchell, Patton, Rather, Rayburn, Storrs, Thaxton and Thompson—19.

Nays—Messrs. Agee, Clitherall, Crawford, Felder, McKinne and Rowe—7.

Mr. Woodward reported unfavorably on the bill to incorporate the Montgomery Bridge company.

The report was concurred in.

Mr. Woodward reported favorably on the bill to authorize L. A. Watson to keep a ferry without license.

The bill was read the third time and passed.

Mr. Woodward reported favorably on the bill to authorize J. H. Clanton to erect gates across a public road.

The Senate refused to order the bill to a third reading.

Mr. Woodward reported favorably on the bill to exempt practising physicians from working on the public roads.

The Senate refused to suspend the rule and read the third time.

Yeas 18, nays 11.

Yeas—Messrs. Abernathy, Agee, Bullock, Carter, Clitherall, Deas, Felder, Griffin, Heflin, Jemison, Jones of Greene, Jones of Fayette, Lindsay, McKinne, McSpadden, Mitchell, Rowe, Thompson and Woodward—18.

Nays—Messrs. President, Austin, Burnett, Bynum, Crawford, Hill, Patton, Rather, Rayburn, Storrs and Thaxton—11.

The bill was ordered to a third reading.

Mr. Agee, from the committee on Public Printing, reported the bill to provide for the election of a state printer.

Mr. Jones, of Greene, moved to amend as follows:

Strike out section 2. and insert: "The General Assembly shall elect a printer at the commencement of each biennial session, within three days after its organization, to serve for the term of two years."

Mr. Lindsay moved the previous question; which was not sustained.

Yeas 13, nays 16.

The question then recurred on the amendment; which was adopted.

Yeas 19, nays 11.

Yeas—Messrs. President Abernathy, Bullock, Burnett, Bynum, Carter, Clitherall, Deas, Griffin, Heflin, Jemison, Jones of Greene, McSpadden, Rather, Rayburn, Storrs, Thaxton, Thompson and Woodward—19.

Nays—Messrs. Agee, Crawford, Felder, Hill, Jones of Fayette, Lindsay, McKinne, Mitchell, Patton and Rowe—10.

The bill was read the third time, and passed.

Yeas 21, nays 8.

Yeas—Messrs. Abernathy, Agee, Burnett, Bynum, Clitherall, Crawford, Deas, Felder, Heflin, Hill, Jones of Greene, Jones of Fayette, Lindsay, McKinne, McSpadden, Mitchell, Patton, Rayburn, Rowe, Thompson and Woodward—21.

Nays—Messrs. President, Bullock, Carter, Griffin, Jemison, Rather, Storrs and Thaxton—8.

And the Senate adjourned until to-morrow morning, at 10 o'clock.

FRIDAY, February 5, 1858.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Shaver.

The following protest from the Governor, was read before the Senate, and ordered to be entered upon the journals :

EXECUTIVE DEPARTMENT,  
Montgomery, Ala., Feb. 4th, 1858. }

*Gentlemen of the Senate :*

A bill "to be entitled an act to incorporate the Shelby County Iron Manufacturing company," has been approved by me; but as there are serious objections, in my mind, to the last section of said bill, I desire in this way to protest against such legislation.

The restriction of the private rights of a portion of our citizens for the private interests of another portion, is at war with the genius of our government, and republican principles. Private rights may be restricted for the public good, but never to promote individual or private interests.

The prohibition of the sale of ardent spirits, contained in this bill, is for the purpose of promoting the private interests of the stockholders in the Iron Manufacturing company, and not for the public good.

It was my intention to withhold my sanction; but having been assured that nearly all the territory, covered by the prohibiting clause in the bill, belongs to the company, and that but three or four other persons are affected by it, and that they desire the restriction, I have concluded, for this reason, to approve it; as its other provisions are important, and tend to develop the resources of the State, at a point and in a manner much to be desired.

I have yielded my objections to acts of incorporation containing provisions suppressing the sale of intoxicating liquors, so far as to approve several bills intended to protect colleges, schools and churches, on the ground that the restriction was for the

public good. All such legislation, however, is of doubtful policy.

My object in sending this communication to the Senate, is to make it known, that my approval of the bill under consideration is not to be understood as establishing a precedent, which I shall feel under obligations to follow; for I never can assent to the principle that private rights may be restricted by law for the private interest of any man, or company of men.

Respectfully,

A. B. MOORE.

The Senate resumed the consideration of the bill to regulate the sale of cotton, by factors, in the city of Mobile.

The question pending on the motion to strike out the 3d section.

The 3d section was stricken out.

Mr. Jones, of Greene, moved to strike out section 9.

Yeas 11, nays 18.

Yeas—Messrs. Agee, Burnett, Crawford, Deas, Fleming, Heflin, Jones of Greene, Lindsay, Mitchell, Rayburn and Thaxton—11.

Nays—Messrs. President, Abernathy, Austin, Bullock, Bynum, Carter, Clitherall, Deas, Hill, Jemison, Jones of Fayette, McKinne, McSpadden, Patton, Rather, Storrs, Thompson and Woodward—18.

The bill was read the third time, and passed.

Message from the House by Mr. Hames, informing the Senate that the House of Representatives had concurred in the amendments of the Senate to the following House bills:

A bill in reference to school lands belonging to the inhabitants of certain townships in this State, located in the States of Arkansas and Louisiana;

To incorporate the Forest Hill Female Seminary in Talladega county;

To divorce certain persons therein named;

For the relief of defendants in execution in Autauga county;

To divorce certain parties therein named;

For the relief of Elijah Woolsey and James S. Bain of the county of Marshall;

For the use of certain persons therein named;

To prevent the sale of spirituous liquors to slaves by boatmen.

Mr. Hill moved to take from the table the bill to compensate the editors of the *Mail and Advertiser* for reporting.

The bill was indefinitely postponed.

Yeas 16, nays 12.

Yeas—Messrs. President, Abernathy, Austin, Bynum, Crawford, Heflin, Hill, Jones of Fayette, Jones of Greene, Mitchell, Patton, Rather, Rayburn, Thaxton, Thompson and Woodward—12.

Nays—Messrs. Agee, Bullock, Burnett, Clitherall, Cocke, Deas, Felder, Fleming, Griffin, Jemison, Lindsay and McKinne—12.

Mr. Storrs, from a select committee, reported the bill to repeal certain sections of an act therein named, with amendments: which were adopted.

The bill read the third time, and passed.

The amendments of the House to the bill to legalize the suspension of payments by the Mobile Savings' company, were concurred in.

Mr. Thompson, from the committee on Enrolled Bills, reported as correctly enrolled:

An act to accept a grant of lands to the State of Alabama and to carry into execution the trust conferred upon the State of Alabama by an act of Congress entitled, "An act making a grant of lands to the Territory of Minnesota," and granting public lands, in alternate sections, to aid in the construction of a certain railroad, &c.;

To amend an act to incorporate the Marengo Plank or Covered Road company;

To authorize Philip A. Fitts to practice law in all the courts of this State;

To change the term of office of apportioners in the counties of Greene and Marengo;

To incorporate the Marshall & Jackson Counties Railroad company.

The joint resolutions, in reference to amending the Constitution, were read the first time, and made the special order for tomorrow, 11 o'clock.

Yeas 30, nays 1.

Yeas—Messrs. President, Agee, Bullock, Burnett, Carter, Clitherall, Cocke, Crawford, Deas, Felder, Fleming, Heflin, Hill, Jemison, Jones of Greene, Jones of Fayette, Lindsay, McKinne, McSpadden, Mitchell, Patton, Rather, Rayburn, Storrs, Thaxton, Thompson and Woodward—30.

Mr. Griffin voted nay.

The amendments of the House to the bill to regulate and define the duties and liabilities of railroad companies, were concurred in.

The House bill to repeal an act therein named, was read the first time, and ordered to a second reading.

The House bill to amend the law as to the president and directors of the board of steamboat engineers of Mobile; and

To consolidate the offices of judge of probate and clerk of the circuit court of Washington county;

Were severally read the first, second and third times, and passed.

The amendments of the House to the bill to transfer certain property to the University of Alabama, were concurred in.

The House bills:

To amend section 1005 of the Code;

To amend the charter of the city of Selma;

To amend section 2318 of the Code;

To amend the law as to pilotage;

To extend the jurisdiction of the commissioners' court of DeKalb county;

To create an additional term of the chancery court for the 34th district;

Were severally read the first, second and third times, and passed.

The House bill to amend section 397 of the Code, was read; and,

On motion of Mr. Bynum, laid on the table.

Yeas 22, nays 7.

Yeas—Messrs. President, Abernathy, Agee, Austin, Bullock, Bynum, Cocke, Crawford, Deas, Griffin, Hill, Jemison, Jones of Fayette, Lindsay, McSpadden, Mitchell, Patton, Rather, Rayburn, Storrs, Thaxton and Woodward—22.

Nays—Messrs. Burnett, Carter, Clitherall, Fleming, Heelin, Jones of Greene, and McKinne—7.

The House bill to regulate the fees of the judge of probate of Pickens county, was read the first and second times; and,

On motion of Mr. Fleming, laid on the table.

Yeas 21, nays 6.

Yeas—Messrs. President, Abernathy, Agee, Carter, Clitherall, Cocke, Deas, Felder, Fleming, Hill, Jemison, Jones of Greene, Lindsay, McKinne, McSpadden, Patton, Rather, Rayburn, Storrs, Thompson and Woodward—21.

Nays—Messrs. Austin, Bynum, Crawford, Heelin, Jones of Fayette, and Thaxton—6.

The House bill to authorize James H. Clanton to erect gates on a certain road, was taken from the table and read the third time, and passed.

The House bill to alter an act, approved January 15, 1854, to consolidate the several acts incorporating the city of Mobile, was read the first, second and third times, and passed.

The bill to incorporate the town of Union Springs, in Macon county, was read the third time, and passed.

The House bill to incorporate the town of Salem, in Russell county, was read the second and third times, and passed.

Yeas 21, nays 8.

Yeas—Messrs. President, Abernathy, Agee, Austin, Bullock, Burnett, Carter, Clitherall, Crawford, Deas, Felder, Fleming, Griffin, Heflin, Hill, Jones of Fayette, McKinne, McSpadden, Mitchell, Patton, Rather and Rayburn—21.

Nays—Messrs. Bynum, Cocke, Jemison, Jones of Greene, Lindsay, Storrs, Thaxton and Thompson—8.

The House bills:

Requiring certain road duties of W. W. Pool, of Fayette county;

Requiring the presentation of claims against Walker county;

Supplemental to an act to locate permanently the seat of justice of Marion county, were severally read the first second and third times, and passed.

The amendments of the House to the bill to compensate certain persons therein named, were concurred in by the Senate.

A division of the question, first on the amendment increasing the pay of the secretary of the senate, and clerks of both houses.

The Senate refused to concur.

Yeas 8, nays 18.

Yeas—Messrs. Abernathy, Bullock, Felder, Fleming, Heflin, Jones of Fayette, Lindsay and Woodward—8.

Nays—Messrs. President, Austin, Bynum, Clitherall, Cocke, Crawford, Deas, Griffin, Hill, Jemison, Jones of Greene, McKinne, Mitchell, Patton, Rather, Rayburn, Thaxton and Thompson—18.

The House bills:

For the relief of Russell J. Allen, of the county of St. Clair;

To regulate the fees of the probate judge of Lowndes and Macon counties, were severally read the first, second and third times, and passed.

The House bills:

For the relief of R. A. McGibbony; and,

For the relief of R. A. McGibbony and E. A. Rinehart, were severally read the second time, and referred to the committee on Accounts and Claims; also,

The bill for the relief of Robert C. Macy;

The bill for the relief certain persons therein named; and,

The bill to compensate J. J. Adams, of Lowndes county, for services rendered the State, were severally read the second time, and referred to the same committee.



The House bill :

To authorize the voters of Conecuh county to elect a tax assessor for the term of two years, was read the third time, and passed.

Mr. Patton, from the committee on Banks and Banking, reported favorably on the bill to amend an act to incorporate the Southern Bank.

Mr. Rather moved to amend as follows :

SECTION — That the tax which said Bank shall hereafter pay annually as a bonus, shall be sixty cents on each hundred dollars worth of stock in said Bank, and said Bank shall accept the provisions of this section as a part of its charter, before it shall be entitled to the benefit of this act.

The Senate then adjourned.

#### AFTERNOON SESSION.

The Senate met pursuant to adjournment.

Mr. Lindsay moved to take up the bill to amend the several acts incorporating the town of Tuscumbia, in Franklin county; which was carried.

The third section was stricken from the bill; it was then read the third time, and passed.

Mr. Bynum reported unfavorably on the bill for the relief of John Lawson.

The report and bill were laid on the table.

Mr. Clitherall reported the bill amendatory of the proceedings in chancery, with amendments; which were adopted.

The bill was read the third time, and passed.

Mr. Rather reported the bill to authorize the South-Western Railroad company to extend their railroad, &c., with an amendment; which was adopted, the bill read third time, and passed.

Mr. Deas introduced a bill to declare Big Creek in Mobile county, a navigable stream; which was read the first and second times, and referred to the committee on Inland Navigation.

The bill from the House to incorporate the Mobile and Great Northern Railroad company, approved February 15th, 1856, was read the first and second times—read the third time, and passed, having been amended,

On motion of Mr. Heflin, as follows :

“That the charter of the Georgia and Alabama Railroad company, be, and the same is hereby extended four years from and after the passage of this act.

The Senate resumed the bill to amend an act to incorporate the Southern Bank.

The question pending on the amendment offered by Mr. Rather.

Mr. Jemison moved to lay the amendment on the table; which was lost.

Yeas 7, nays 22.

Yeas—Messrs. Bullock, Carter, Cocke, Deas, Felder, Jemison and Patton—7.

Nays—Messrs. President, Abernathy, Agee, Austin, Burnett, Bynum, Clitherall, Crawford, Fleming, Griffin, Heflin, Hill, Jones of Greene, Jones of Fayette, Lindsay, McKinne, Mitchell, Rather, Rayburn, Storrs, Thaxton and Woodward—22.

Mr. Cocke moved to amend as follows:

*Provided*, The increase tax shall only apply to the new stock.

Mr. Bynum moved to lay the amendment on the table.

Yeas 14, nays 12.

Yeas—Messrs. President, Abernathy, Agee, Burnett, Bynum, Crawford, Heflin, Hill, Jones of Fayette, Lindsay, McSpadden, Rather, Thaxton, Thompson and Woodward—14.

Nays—Messrs. Austin, Bullock, Carter, Clitherall, Cocke, Deas, Felder, Jemison, Jones of Greene, McKinne, Patton and Storrs—12.

Mr. Patton moved to strike out "sixty," and insert "fifty," in the amendment.

Mr. Bynum moved to lay the amendment on the table.

Yeas 10, nays 18.

Yeas—Messrs. President, Bynum, Crawford, Heflin, Jones of Fayette, Lindsay, Mitchell, Rather, Rayburn and Thaxton—10.

Nays—Messrs. Abernathy, Agee, Austin, Bullock, Burnett, Carter, Clitherall, Cocke, Deas, Felder, Fleming, Hill, Jemison, McKinne, McSpadden, Patton, Storrs and Woodward—18.

The question recurred on the amendment offered by Mr. Patton; it was first taken on striking out, and lost.

Yeas 11, nays 19.

Yeas—Messrs. Abernathy, Austin, Bullock, Carter, Cocke, Deas, Felder, Jemison, McKinne, Patton and Storrs—11.

Nays—Messrs. President, Agee, Burnett, Bynum, Clitherall, Cocke, Crawford, Fleming, Heflin, Hill, Jones of Greene, Jones of Fayette, Lindsay, McSpadden, Mitchell, Rather, Rayburn, Thaxton, Thompson and Woodward—19.

The amendment of Mr. Rather was adopted, the bill read the third time, and passed.

Mr. Jemison moved to take from the table the bill authorizing the Governor to receive that portion of the geological report which has been printed; which was carried.

Mr. Jemison offered a substitute for the bill; which was adopted, read the third time, and passed.

Mr. Mitchell, from the committee on Divorce and Alimony, reported the bill for the relief of Mary C. Grigsby, of Coosa county, and asked that the committee be discharged.

The bill was read the third time, and passed.

Yeas 19, nays 6.

Yeas—Messrs. Abernathy, Bullock, Burnett, Bynum, Clitherall, Cocke, Crawford, Deas, Fleming, Griffin, Hill, Jones of Fayette, McKinne, Mitchell, Patton, Rather, Storrs and Woodward—19

Nays—Messrs. Abernathy, Agee, Felder, Heflin, Lindsay and McSpadden—6.

Mr. Lindsay, from the committee on Education, reported adversely on the bill to render more efficient the system of free public schools.

Mr. Agee, from the same committee, reported adversely on the bill to endow a military professorship in the Polytechnic Institute, LaGrange, Alabama.

The reports were severally concurred in.

Mr. Burnett, from the committee on Sixteenth Sections, reported favorably on the bill to refund to the commissioners of free public schools, for Marshall county, a certain sum of money, &c.

The bill was ordered to a third reading.

Message from the House by Mr. Hames, informing the Senate that the House unanimously adheres to its amendment to the bill to compensate certain persons therein named.

Mr. Burnett, from the same committee, reported the bill for the relief of the purchasers of fractional township, 20 range 2, in Coosa county.

The bill was referred to a select committee, consisting of Messrs. McSpadden and Hill.

Mr. McSpadden, reported favorably on the bill for the relief of Wm. L. Butler, of Shelby county.

The bill was read the third time, and passed.

Yeas 16, nays 9.

Yeas—Messrs. Abernathy, Austin, Bullock, Burnett, Carter, Cocke, Crawford, Griffin, Jones of Fayette, Lindsay, McKinne, McSpadden, Mitchell, Patton, Storrs and Thaxton—16.

Nays—Messrs. President, Agee, Bynum, Clitherall, Felder, Fleming, Heflin, Hill and Rather—9.

Mr. Hill reported adversely on the petition of sundry citizens of Benton county.

The report was concurred in.

Mr. Felder reported favorably on the bill for the relief of John L. Pearce.

The bill was read the third time, and passed.

Mr. Bullock reported favorably to incorporate the Alabama and Florida Railroad company.

Mr. Felder moved to amend as follows:

*Provided*, That any dissenting stockholder shall be entitled to retire and receive from the company the amount of his capital stock and interest thereon, from date of payment, before said corporation shall be entitled to the privileges of this act.

Mr. Cocke moved to lay the amendment on the table; which was carried.

Yeas 15, nays 13.

Yeas—Messrs. President, Abernathy, Agee, Austin, Clitherall, Cocke, Deas, Fleming, Jemison, Jones of Greene, McSpadden, Mitchell, Patton, Rayburn and Woodward—15.

Nays—Messrs. Bullock, Burnett, Carter, Crawford, Felder, Griffin, Heflin, Jones of Fayette, Lindsay, McKinne, Rather, Storrs and Thaxton—13.

The bill was read the third time, and passed.

Mr. Bullock reported favorably on the bill to amend section 1721 of the Code.

The bill was read the third time, and passed.

Mr. Bullock reported favorably on the bill to compel the county commissioners to levy a special tax.

The bill was read the third time, and passed.

Mr. Storrs reported favorably on the bill to alter and amend the charter of the town of Camden, in Wilcox county.

Mr. Lindsay moved to strike out so much of the bill as exempts the property from taxation.

Yeas 8, nays 19.

Yeas—Messrs. Austin, Bynum, Crawford, Fleming, Heflin, Lindsay, McKinne and Thaxton—8.

Nays—Messrs. President, Abernathy, Agee, Bullock, Burnett, Carter, Clitherall, Cocke, Deas, Felder, Griffin, Hill, Jemison, Jones of Fayette, McSpadden, Mitchell, Patton, Rather and Storrs—19.

The rule was suspended, and the bill passed.

Mr. Jones, of Fayette, reported favorably on the bill to regulate the drawing of grand jurors in Marion county.

The bill was read the third time, and passed.

Mr. Bullock reported favorably on the bill to amend section 2182, and also, the bill to amend 3568 of the Code.

The bills were severally read the third time, and passed.

Mr. Cocke, from the committee on Corporations, reported the bill to incorporate the Shelby Coal company.

The bill was read the third time, and passed.

Mr. Storrs reported the bill to incorporate the Farmers' Insurance company.

Mr. Lindsay moved to lay the bill on the table.

Carried.

Yeas 17, nays 12.

Yeas—Messrs. President, Abernathy, Agee, Austin, Burnett, Bynum, Crawford, Fleming Heflin, Hill, Jones of Greene, Jones of Fayette, Lindsay, Rather, Rayburn, Thaxton and Thompson—17.

Nays—Messrs. Carter, Clitherall, Cocke, Deas, Felder, Griffin, Jemison, McKinne, McSpadden, Mitchell, Patton and Storrs—12.

Mr. Storrs reported favorably on the bill to incorporate the Pushmataha School, in Choctaw county.

The bill was read the third time, and passed.

Yeas 15, nays 9.

Yeas—Messrs. President, Agee, Austin, Carter, Clitherall, Cocke, Crawford, Felder, Hill, Jones of Fayette, McKinne, McSpadden, Patton, Rayburn and Storrs—15.

Nays—Messrs. Burnett, Bynum, Fleming, Heflin, Jones of Greene, Lindsay, Rather, Thaxton and Thompson—9.

Mr. Storrs reported favorably on the bill to incorporate the Fire and Marine Insurance company, of Montgomery.

Mr. Lindsay moved to lay the bill on the table.

Lost.

Yeas 5, nays 23.

Yeas—Messrs. Bynum, Fleming, Lindsay, Thaxton and Thompson—5.

Nays—Messrs. President, Abernathy, Agee, Austin, Bullock, Burnett, Crawford, Deas, Felder, Griffin, Heflin, Hill, Jemison, Jones of Greene, Jones of Fayette, McKinne, McSpadden, Patton, Rather, Rayburn and Storrs—23.

Mr. Lindsay moved to amend by adding :

*Provided*, The General Assembly may at any time alter or repeal this charter.

Mr. Felder moved to lay the amendment on the table.

Lost.

Yeas 14, nays 16.

Yeas—Messrs. Abernathy, Agee, Austin, Bullock, Carter, Cocke, Felder, Hill, Jemison, Jones of Fayette, McKinne, McSpadden, Patton and Storrs—14.

Nays—Messrs. President, Burnett, Bynum, Clitherall, Craw-

ford, Deas, Fleming, Griffin, Heflin, Jones of Greene, Lindsay, Mitchell, Rather, Rayburn, Thaxton and Thompson—16.

The amendment was adopted.

Yeas 16, nays 14.

Yeas—Messrs. President, Abernathy, Burnett, Bynum, Clitherrall, Crawford, Fleming, Griffin, Heflin, Jones of Greene, Lindsay, Mitchell, Rather, Rayburn, Thaxton and Thompson—16.

Nays—Messrs. Agee, Austin, Bullock, Carter, Cocke, Deas, Felder, Hill, Jemison, Jones of Fayette, McKinne, McSpadden, Patton and Storrs—14.

The bill was read the third time, and passed,

Mr. Agee offered joint resolutions to provide for inaugural expenses; read third time, and passed.

Mr. Burnett moved to take from the table the bill to establish an election precinct in the county of Lowndes.

The bill was read the third time, and passed.

Message from the Governor, by Mr. Phelan:

Mr. President: His Excellency the Governor, has approved bills which originated in the Senate, of the following titles:

An act for the relief of the deaf and dumb;

An act for the relief of D. W. James, administrator of Alexander Hill, deceased.

An act for the relief of the estate of Pleasant Hill, deceased, late of Bibb county;

An act to incorporate the Uniontown and Jackson Railroad company;

An act to amend the laws regulating the settlement of the estates of deceased persons.

Mr. Fleming, from the committee on the Military, reported adversely on the bill to fix the time for musters in this State, and for other purposes.

The report was concurred in.

And the Senate adjourned until to-morrow morning at 10 o'clock.

SATURDAY February 6, 1858.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Shaver.

Mr. Deas introduced a bill to authorize the corporate authorities of Mobile to aid in the construction of a railroad, &c.

Mr. President: a bill in relation to the establishment of a school from township 14, range 10, in Dallas county. Also,

A joint resolution to Congress for a grant of land to the Selma and Gulf Railroad company; which were severally read the first, second and third times, and passed.

The yeas and nays were called on the passage of the memorial.

Yeas 20, nays 2.

Yeas—Messrs. President, Abernathy, Bullock, Burnett, Bynum, Carter, Clitherall, Crawford, Deas, Felder, Fleming, Hill, Jones of Fayette, Jones of Greene, McSpadden, Mitchell, Patton, Rayburn, Rather, Storrs, Thaxton and Thompson—22.

Nays—Messrs. Griffin and Heflin—2.

Mr. Hill introduced a bill to incorporate the Fayetteville Male and Female Academy, in Talladega county.

The bill was read the first, second and third times, and passed.

Yeas 16, nays 10.

Yeas—Messrs. President, Abernathy, Carter, Clitherall, Crawford, Deas, Felder, Griffin, Hill, Jones of Fayette, McKinne, McSpadden, Mitchell, Patton, Rayburn and Storrs—16.

Nays—Messrs. Bullock, Burnett, Bynum, Fleming, Heflin, Jones of Greene, Lindsay, Rather, Thaxton and Thompson—10.

The bill to provide for the pay of jurors in the county of Fayette, was taken from the table, read the third time, and passed.

Mr. Bynum introduced a bill to amend sections 1562, 1563, 1564 and 1565 of the Code; which was read the first and second times, and referred to the committee on the Judiciary.

Mr. Rayburn introduced a bill to authorize the commissioners' court of Marshall county to make appropriations for the relief of certain persons in said county.

Mr. Patton: joint resolutions in relation to settlements with Vincent M. Benham and James H. Weaver.

Severally read the first, second and third times, and passed.

The bill declaring Big Creek, in Mobile county, a public highway, was read the third time, and passed.

Yeas 21, nays 2.

Yeas—Messrs. President, Agee, Austin, Bullock, Burnett, Bynum, Clitherall, Crawford, Deas, Fleming, Griffin, Hill, Jones of Fayette, McSpadden, Mitchell, Patton, Rather, Rayburn, Storrs, Thaxton, Thompson and Woodward—21.

Nays—Messrs. Heflin and Lindsay.

Mr. Clitherall reported adversely on the bill to prevent betting at ten pins.

Mr. Rather moved to lay the report on the table.

Carried.

Yeas 23, nays 7.

Yeas—Messrs. President, Abernathy, Agee, Austin, Bullock, Burnett, Carter, Clitherall, Cocke, Crawford, Deas, Fleming, Griffin, Hill, Horn, Jones of Fayette, McKinne, McSpadden, Mitchell, Patton, Rather and Rayburn—23.

Nays—Messrs. Bynum, Heflin, Felder, Lindsay, Thaxton and Thompson—7.

Mr. Jones, of Greene, moved to postpone the bill indefinitely. Lost.

Yeas 6, nays 22.

Yeas—Messrs. Bynum, Heflin, Jones of Greene, Lindsay, Thaxton and Thompson—6.

Nays—Messrs. President, Abernathy, Austin, Bullock, Burnett, Carter, Clitherall, Cocke, Crawford, Deas, Fleming, Griffin, Hill, Horn, Jemison, Jones of Fayette, McKinne, Mitchell, Patton, Rather, Rayburn and Woodward—22.

Mr. Lindsay moved to amend by suspending the operation of the act until 1st of January, 1859.

Mr. Jones, of Fayette, moved the previous question; which was sustained.

Yeas 21, nays 8.

Yeas—Messrs. President, Abernathy, Austin, Bullock, Burnett, Carter, Clitherall, Crawford, Deas, Fleming, Griffin, Hill, Horn, Jemison, Jones of Fayette, McKinne, Mitchell, Patton, Rather, Rayburn and Woodward—21.

Nays—Messrs. Agee, Bynum, Felder, Heflin, Jones of Greene, Lindsay, Thaxton and Thompson—8.

The bill was ordered to a third reading.

Yeas 21, nays 7.

Yeas—Messrs. President, Abernathy, Austin, Bullock, Burnett, Carter, Clitherall, Crawford, Deas, Felder, Fleming, Griffin, Hill, Horn, Jemison, Jones of Fayette, McKinney, McSpadden, Patton, Rather, Rayburn and Woodward—21.

Nays—Messrs. Agee, Bynum, Heflin, Jones of Greene, Lindsay, Thaxton and Thompson—7.

Mr. Bullock reported adversely on the bill to prevent nuisances and illegal trafficking with slaves.

Mr. Jones, of Greene, moved to lay the report on the table. Carried.

Mr. Lindsay moved to amend as follows:

*Provided*, The provisions of this act apply only to the town of Montgomery.

The amendment was laid on the table.

The bill passed.

Yeas 23, nays 8.

Yeas—Messrs. President, Abernathy, Austin, Burnett, Carter, Clitherall, Cocke, Crawford, Deas, Felder, Griffin, Heflin, Hill, Horn, Jemison, Jones of Greene, Jones of Fayette, McKinne, Mitchell, Patton, Rather, Rayburn and Woodward—23.



Nays—Messrs. Agee, Bullock, Bynum, Fleming, Lindsay, Storrs, Thaxton and Thompson—8.

The Senate took up the special order—the resolutions proposing amendments to the Constitution.

The joint resolutions were ordered to a third reading.

Mr. Patton returned to the Senate the bill to require the publication of a list of debts and debtors of the State Bank and Branches.

The Senate refused to lay the bill on the table.

Yeas 10, nays 16.

Yeas—Messrs. Abernathy, Agee, Austin, Clitherall, Cocke, Jones of Greene, Patton, Rather, Rayburn and Woodward—10.

Nays—Messrs. President, Bullock, Burnett, Bynum, Crawford, Felder, Fleming, Griffin, Heflin, Hill, Horn, Jones of Fayette, Lindsay, McKinne, McSpadden and Thaxton—16.

Mr. Cocke moved the previous question; which was sustained.

Yeas 23, nays 6.

Yeas—Messrs. Abernathy, Austin, Bullock, Bynum, Clitherall, Cocke, Deas, Fleming, Griffin, Heflin, Hill, Jemison, Jones of Greene, Jones of Fayette, Lindsay, McKinne, McSpadden, Mitchell, Patton, Rather, Rayburn, Storrs and Thaxton—23.

Nays—Messrs. President, Agee, Barnett, Crawford, Felder and Horn—6.

The bill was ordered to be engrossed.

Yeas 19, nays 11.

Yeas—Messrs. President, Agee, Bullock, Burnett, Bynum, Clitherall, Crawford, Felder, Griffin, Heflin, Hill, Horn, Jones of Fayette, Lindsay, McKinne, McSpadden, Mitchell, Thaxton and Woodward—19.

Nays—Messrs. Abernathy, Austin, Cocke, Deas, Fleming, Jemison, Jones of Greene, Patton, Rather, Rayburn and Storrs—11.

Mr. Felder offered the following amendment, which was cut off by the previous question:

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That it shall be the duty of the commissioner and trustee of the State to have printed the names of the debtors to the State Bank and Branches, arranged under the different banks to which they are indebted, showing the amounts of indebtedness of each debtor, and whether the same is in judgment or otherwise.

SEC. 2. *Be it further enacted,* That he shall have printed one hundred and sixty-two copies of the same, and have one copy sent by mail to each clerk of the circuit court, judge of probate and sheriff of this State, one copy, each, to the secretary of state,

comptroller of public accounts, superintendent of education and state treasurer; and it is hereby made the duty of said officers to keep a copy of the same constantly in their respective offices for the free inspection of all the tax payers of this State during office hours, and it is hereby made the duty of the comptroller of public accounts, on the certificate of the commissioner and trustee, to draw his warrant on the state treasurer for the amount paid for arranging the same, and for printing and distribution as aforesaid.

SEC. 3. *Be it further enacted*, That the said officers shall deliver over to their successors in office their said copy, to be kept by them as aforesaid, and any officer wilfully failing to observe the requirements of this act, shall be guilty of a misdemeanor.

Mr. Lindsay, from the committee on the Judiciary, to whom was referred the bills to render the license laws for retailing spirituous liquors more efficient, reported a substitute for the bill.

The substitute was adopted.

The bill was read the third time, and passed.

Mr. Lindsay, from the committee on the Judiciary, reported the bill to prevent banks of other States from carrying on the business of banking in this State.

The bill and report were were laid on the table.

Mr. Clitherall reported adversely on the bill to exempt the county of Russell from section 2257 of the Code.

Mr. Bullock moved to postpone the report of the committee indefinitely.

Lost.

Yeas 14, nays 16.

Yeas—Messrs. Bullock, Carter, Cocke, Crawford, Deas, Griffin, Hill, Lindsay, McKinne, McSpadden, Mitchell, Storrs, Thaxton and Thompson—14.

Nays—Messrs. President, Abernathy, Agee, Austin, Burnett, Bynum, Clitherall, Felder, Fleming, Heflin, Jones of Greene, Jones of Fayette, Patton, Rather, Rayburn and Woodward—16.

Mr. Bullock moved to lay the bill on the table.

Lost.

Yeas 11, nays 15.

Yeas—Messrs. Agee, Austin, Clitherall, Fleming, Heflin, Jemison, Jones of Fayette, Lindsay, Rather and Rayburn—11.

Nays—Messrs. Bullock, Burnett, Bynum, Carter, Deas, Felder, Griffin, Hill, McKinne, McSpadden, Mitchell, Patton, Storrs, Thompson and Woodward—15.

The report was then concurred in.

Mr. Bullock reported favorably on the bill to improve sections 2319 and 2320 of the Code.

Also, favorably on the bill to amend section 1910 of the Code. The bills were severally read the third time, and passed.

Mr. Storrs reported favorably on the bill to incorporate the Montgomery Typographical Union.

The bill was read the third time, and passed.

Mr. Clitherall, from the committee on the Judiciary, reported the bill to provide for the pay of delegates to the convention to be called by the Governor, with amendments; which were adopted.

The bill was read the third time, and passed.

Mr. Cocke reported favorably on the bill to compensate R. A. McGibbony.

A motion was made to suspend the rule and lost.

The bill was ordered to a third reading.

Yeas 16, nays 11.

Yeas—Messrs. Agee, Bullock, Burnett, Clitherall, Cocke, Deas, Felder, Fleming, Griffin, Hill, Jemison, Lindsay, Rayburn, Storrs, Thompson and Woodward—16.

Nays—Messrs. President, Bynum, Carter, Heflin, Jones of Fayette, McKinne, McSpadden, Mitchell, Patton, Rather and Thaxton—11.

Mr. Agee, from the committee on the Judiciary, reported favorably on the bill to authorize the removal of cases in the chancery courts in certain cases.

The bill was read the third time, and passed.

Mr. McSpadden reported favorably on the bill for the relief of purchasers of fractional township 20, range 2, in the Coosa Land District, with amendment; which was adopted.

The bill was read the third time, and passed.

Mr. Storrs reported adversely on the bill to amend the charter of the city of Mobile.

Report concurred in.

Mr. Bullock, from the committee on the Judiciary, reported favorably on the bill to amend section 3568 of the Code.

The bill was read the third time, and passed.

Mr. Storrs reported favorably on the bill to consolidate the several acts incorporating the town of Athens, in Limestone county.

The bill was read the third time, and passed.

The bill to incorporate the Mobile and Nicaragua Steamship company, was read the first, second and third times, and passed.

Mr. Bullock reported favorably on the bill to compel the personal attendance of witnesses in civil cases.

Bill read third time, and passed.

And the Senate adjourned till 3½, P. M.

## AFTERNOON SESSION.

The Senate met pursuant to adjournment.

Mr. Bullock, from the committee on the Judiciary, reported favorably on the bill to authorize the removal of the estate of Anson R. Bracket, a minor.

Also, adversely on the bill to repeal section 2806 of the Code, so far as it relates to the county of Sumter.

Mr. Woodward moved to lay the report of the committee on the table; which was carried.

The bill was ordered to a third reading.

Yeas 10, nays 9.

Yeas—Messrs. Bullock, Bynum, Carter, Crawford, Deas, Felder, Griffin, Hill, Rayburn and Woodward—10.

Nays—Messrs. President, Abernathy, Agee, Clitherall, Jones of Greene, McKinne, Rather, Storrs and Thaxton—9.

Mr. Bullock reported adversely on the bill to amend the law as to days of grace on bills of exchange.

Also, adversely on the bill in relation to costs in criminal cases, where venue is changed.

Mr. Clitherall reported adversely on the bill concerning life insurance.

Severally concurred in.

Mr. Bullock reported adversely on the bill to allow certain fees to officers arresting persons under a warrant issued by a committing magistrate.

Report concurred in.

Mr. Woodward reported favorably on the bill for the relief of Robert C. Macey.

The bill was read the third time, and passed.

Mr. Woodward reported favorably on the bill to compensate certain persons therein named.

The bill was amended.

On motion of Mr. Clitherall, read third time, and passed.

Mr. Storrs reported adversely on the bill to amend the charter of the Alabama Coal Mining company.

Report concurred in.

Mr. Clitherall reported the bill for the relief of certain slaves of Albert G. Abercrombie, deceased.

Adverse report concurred in.

Mr. Storrs reported the bill to incorporate the Southern Insurance company, of Mobile.

Bill read third time, and passed.

Mr. Storrs reported favorably on the bill to charter the Ala-

bama Insurance company, with amendments; which were adopted.

Bill read third time, and passed.

Mr. Austin reported favorably on the bill to compensate Isaac W. Pollard.

Mr. Austin also reported favorably on the bill for the relief of Joshua Lyon, tax collector of Sumter county.

Also, favorably on the bill for the relief of J. C. Henderson, of Talladega county; were severally read the third time, and passed.

Mr. Griffin also reported favorably on the bill for the relief of U. T. Cleveland.

The Senate refused to suspend the rule.

Yeas 10, nays 13.

Yeas—Messrs. Abernathy, Austin, Bullock, Clitherall, Deas, Felder, Hill, Jones of Fayette, Patton and Woodward—10.

Nays—Messrs. President, Agee, Burnett, Bynum, Carter, Crawford, Fleming, Griffin, Hellin, McKinnis, Mitchell, Rather and Thaxton—13.

Mr. Austin also reported favorably on the bill to compensate Davis, Stratford & Dillard; and.

The bill for the relief of M. A. Hise; which were severally read the third time and passed.

Mr. Bullock reported adversely on the bill relative to the duties of probate judge and commissioners' court, of Pickens county.

Also, adversely on the bill for the relief of Stephen M. Ingersoll;

To regulate justices' fees;

To amend section 2118 of the Code;

On the petition of Hugh McDonald;

To give effect to powers of attorney;

To give Mrs. Minnie Blund control of a certain estate;

In regard to harbor masters in Mobile;

To amend the law in relation to appeals; which were severally concurred in.

Mr. Bullock reported the bill for the relief of Henry B. Marks.

The bill was read the third time, and passed.

The bill to divorce certain persons therein named, was read the first, second and third times, and passed.

Mr. Agee reported favorably on the bill to amend section 1372 of the Code.

Also, reported favorably on the bill to change the time of holding chancery courts in the 38th and 39th districts; which were severally read the third time, and passed.

Mr. McSpadden reported favorably on the bill to protect the State against fraudulent claims.

Read third time, and passed.

Mr. Cocke reported favorably on the bill to compensate R. A. McGibbony and Rinehart.

The Senate refused to order the bill to a third reading.

Mr. Bullock reported adversely on the bill to incorporate the Cherokee County Coal, Iron and Wood Manufacturing company.

Mr. Agee reported adversely on the bill in relation to minors.

The report was concurred in.

Mr. Lindsay reported the bill for the relief of the blind.

Mr. Lindsay moved to suspend the rule, and read a third time.

Lost.

Yeas 14, nays 12.

Yeas—Messrs. Agee, Bullock, Burnett, Clitherall, Cocke, Crawford, Deas, Griffin, Hill, Jones of Fayette, Lindsay, Patton, Thompson and Woodward—14.

Nays—Messrs. President, Abernathy, Bynnm, Felder, Fleming, Heflin, Jemison, McKinne, McSpadden, Mitchell, Rather and Thaxton—12.

The bill was not ordered to a third reading.

Message from the Governor:

Mr. President: His excellency, the Governor, has approved bills which originated in the Senate, of the following titles:

An act to incorporate the Marshall and Jackson County Railroad company;

An act to change the term of office of apportioners, in the counties of Greene and Marengo;

An act to amend an act to incorporate the Marengo Plank or Covered Road company;

An act to authorize Philip A. Fitts to practice law in all the courts of this State;

An act for the relief of Jefferson Falkner;

An act to accept a grant of lands to the State of Alabama, and to carry into execution the trusts conferred upon the State of Alabama, by an act of Congress, entitled "An act making a grant of lands to the Territory of Minnesota, in alternate sections, to aid in the construction of certain railroads in said territory, and granting public lands, in alternate sections, to the State of Alabama, to aid in the construction of a certain railroad in said State," approved March 3d, 1857.

Mr. Bullock, from a select committee, reported a bill to appropriate a part of the three per cent. fund to the North East and

South West and Wills Valley Railroad, because it is too late in the session to legislate upon the subject.

Mr. Clitherall, from the committee on the Judiciary, reported adversely on the following bills:

To prevent the killing of stock on railroads ;

To regulate the pay of witnesses in criminal cases ;

Authorizing the filing of bills in chancery in certain cases ;

To compensate persons for apprehending felons at large, and fugitives ;

To amend sections 1056 and 1057 of the Code ;

To amend section 3992 of the Code.

The reports were severally concurred in.

Mr. Clitherall reported adversely on the bill to regulate the mode of proceeding in cases for re-hearing, &c.

The report was laid on the table.

The bill was read the third time, and passed.

The vote concurring in the adverse report of the committee, in regard to Mrs. Minnie Bland, was reconsidered.

The report was again concurred in.

Mr. Patton made a report in regard to the incidental expenses of Wm. F. Perry, superintendent of education.

The report was laid on the table.

The House bill :

To amend section 2419 of the Code of Alabama, was read the first, second and third times, and passed.

The House bill :

To fix the mode of conveying estates of husband and wife, and for other purposes, was read first time, rule suspended, read a second time, and pending question on ordering the bill to a third reading to-morrow.

Mr. Thompson reported as correctly enrolled the following bills :

An act to incorporate the Alabama Planters' Steamboat company ;

An act to transfer certain property to the University of Alabama ;

An act to repeal an act entitled an act to incorporate the town of Guntersville, in the county of Marshall ;

An act to incorporate the Cahaba and Tuskaloosa Telegraph company ;

An act to change and regulate the time of holding the Spring terms of the circuit courts of Madison, Marshall and Jackson counties ;

An act amendatory of the several plank road charters, herein designated ;

An act to define and regulate the duties and liabilities of railroad companies in the State ;

To amend an act to enable Silas Morpew, of Walker county, to erect a certain dam therein named ;

To legalize the suspension of the payments by the Mobile and Savings company ;

For the relief of Lawrence S. Banks, of the county of Morgan ;

For the relief of the Missionary Society of the Cumberland Presbyterian Church, at Elyton ;

To incorporate the Midway Academy, in Barbour county ;

Requiring the quarter-master general, to furnish the Southern Polytechnic Institute, at LaGrange, in Franklin county, Alabama, with a stand of muskets, and for other purposes ;

For the relief of Wm. P. Ashly ;

To regulate the pay of jurors and witnesses, in the county of Jackson ;

To provide for the pay of commissioners of roads and revenue for Coffee county ;

An act for the relief of Jefferson Faulkner ;

An act to dispose of the remaining affairs of the State Bank and Branches, and for other purposes.

Message from his excellency, the Governor :

Mr. President : His Excellency, the Governor, has approved bills which originated in the Senate of the following title :

An act to dispose of the remaining affairs of the State Bank and Branches, and for other purposes ;

An act for the relief of the Missionary Society of the Cumberland Presbyterian Church, at Elyton ;

An act requiring the quarter-master general to furnish the Southern Polytechnic Institute, at LaGrange, Franklin county, with a stand of muskets, and for other purposes ;

An act for the relief of William P. Ashly ;

An act to regulate the pay of jurors and witnesses, in the county of Jackson ;

An act to provide for the pay of commissioners of roads and revenue, for Coffee county.

I also return to the Senate, without the approval of the Governor, and with his objections thereto :

A bill to be entitled an act to enable Silas Morpew, of Walker county, to erect a certain dam therein named.

The following message was submitted :



EXECUTIVE DEPARTMENT,  
Montgomery, Ala., Feb. 6th, 1858. }

*Gentlemen of the Senate:*

The bill "to be entitled an act to enable Silas Morphey, of Walker county, to erect a certain dam therein named," which originated in the Senate, is respectfully returned without my approval, for the reason that I approved, on the 3d instant, a bill in the words and figures contained in this bill, and precisely the same, in all respects.

Respectfully,

A. B. MOORE,  
*Governor.*

The message was read, and the question being propounded, "shall the bill pass;" was lost.

Yeas 0, nays 22.

Nays—Messrs. President, Abernathy, Bullock, Bynum, Clithcrall, Crawford, Deas, Felder, Fleming, Griffin, Hefflin, Hill, Jemison, Jones of Greene, Lindsay, McKinne, McSpadden, Mitchell, Patton, Rather, Rayburn and Thaxton—22.

The veto was unanimously sustained.

Message from the House of Representatives:

Mr. President: The House of Representatives has concurred in the Senate's amendments to the following House bills:

Amendatory of the proceedings in chancery;

To amend the several acts incorporating the town of Tusculumbia, in Franklin;

To amend the law in relation to sales of cotton, by factors, in the city of Mobile;

To repeal certain sections of an act therein named;

To provide for the election of state printer;

To incorporate the State Mutual Insurance company;

To repeal an act entitled an act to make a loan to the Alabama and Tennessee River Railroad company, passed January 21st, 1856.

And the Senate adjourned until Monday morning, 10 o'clock.

MONDAY, February 8th, 1858.

The Senate met pursuant to adjournment.

The Senate resumed the consideration of the bill to fix the mode of conveying estates from husband and wife.

The bill was read the third time, and passed.

Yeas 19, nays 6.

Yeas—Messrs. President, Abernathy, Austin, Bullock, Burnett, Bynum, Carter, Crawford, Deas, Griffin, Hefflin, Hill, Mc-

Kinne, McSpadden, Patton, Rather, Rayburn, Storrs and Thaxton—19.

Nays—Messrs. Agee, Clitherall, Felder, Lindsay, Mitchell and Rowe—6.

The Senate concurred in the amendment of the House to the bill to compensate certain persons therein named, and insisted on its disagreement to the other amendments.

Yeas 18, nays 7.

Yeas—Messrs. President, Agee, Burnett, Bynum, Carter, Clitherall, Deas, Fleming, Griffin, Heflin, Hill, Jones of Greene, McKinnne, Mitchell, Rather, Rayburn, Thaxton and Woodward—18.

Nays—Messrs. Abernathy, Austin, Bullock, Felder, Lindsay, Patton and Thompson—7.

The Senate proceeded to consider the amendment of the House to the bill to appropriate the two per cent. fund.

Mr. Clitherall moved to postpone the consideration of the amendment until this afternoon, 3 o'clock.

Lost.

Yeas 4, nays 24.

Yeas—Messrs. Burnett, Clitherall, McKinnne and Thompson—4.

Nays—Messrs. President, Abernathy, Agee, Austin, Bullock, Bynum, Carter, Cocke, Deas, Felder, Fleming, Heflin, Hill, Jones of Greene, Lindsay, McSpadden, Mitchell, Patton, Rather, Rayburn, Rowe, Storrs, Thaxton and Woodward—24.

The previous question was called, and sustained.

Yeas 24, nays 6.

Yeas—Messrs. President, Abernathy, Agee, Austin, Bullock, Burnett, Bynum, Carter, Cocke, Deas, Felder, Fleming, Heflin, Hill, Horn, Jones of Greene, McSpadden, Mitchell, Patton, Rather, Rayburn, Rowe, Storrs, Thaxton and Woodward—25.

Nays—Messrs. Clitherall, Crawford, Griffin, Lindsay, McKinnne and Thompson—6.

The amendment was concurred in.

Yeas 22, nays 8.

Yeas—Messrs. President, Abernathy, Agee, Austin, Bullock, Carter, Cocke, Deas, Felder, Fleming, Heflin, Hill, Horn, Jones of Greene, McSpadden, Mitchell, Patton, Rayburn, Rowe, Storrs, Thaxton and Woodward—22.

Nays—Messrs. Burnett, Bynum, Clitherall, Crawford, Lindsay, McKinnne, Rather and Thompson—8.

The amendment of the House to the bill to incorporate the Eastern Bank of Alabama, was concurred in.

Yeas 25, nays 1.

Yeas—Messrs. President, Agee, Austin, Bullock, Bynum,

Carter, Clitherall, Cocke, Crawford, Deas, Felder, Fleming, Heflin, Horn, Jones of Greene, Lindsay, McKinne, Mitchell, Patton, Rather, Rayburn, Rowe, Storrs, Thaxton and Woodward—25.

Nays—Mr. Thompson—1.

The House bill for the relief of persons indebted to the Commercial and Central Bank.

Mr. President moved to lay the bill on the table.

Yeas 13, nays 15.

Yeas—Messrs. President, Austin, Bynum, Cocke, Felder, Fleming, Heflin, Hill, McSpadden, Mitchell, Rayburn, Storrs and Woodward—13.

Nays—Messrs. Agee, Bullock, Burnett, Carter, Clitherall, Crawford, Griffin, Horn, Jones of Greene, Lindsay, McKinne, Rather, Rowe, Thaxton and Thompson—15.

The Senate refused to suspend the rule and order the bill to a second reading.

The House bills:

To incorporate the trustees of the Providence Infirmary of Mobile;

To regulate sales by general administrator of Mobile county; and,

The bill to compensate Y. L. Royston; were severally read the first, second and third times, and passed.

The Senate receded from its amendment to the bill to provide for the payment of certain claims against the State.

The House bill to ascertain the advancements made to legatees and distributees by the testator or intestate in his lifetime, was read the first, second and third times, and passed.

Yeas 14, nays 8.

Yeas—Messrs. President, Bullock, Burnett, Clitherall, Crawford, Felder, Griffin, Heflin, Horn, Jones of Greene, McSpadden, Patton, Rayburn and Woodward—14.

Nays—Messrs. Bynum, Fleming, McKinne, Mitchell, Rather, Rowe, Storrs and Thaxton—8.

Mr. Horn, from a select committee, reported favorably on the bill to authorize the executrix of the will of Abraham Burk, to remove the administration and property of said estate from the county of Coffee to the county of Barbour.

The bill to refund to the commissioners of free public schools for the county of Marshall, a certain amount of money paid out of the interest arising out of the sixteenth section fund, belonging to township 9, range 2, east, in the county of Marshall, was read the third time and passed.

Mr. Woodward reported favorably on the bill for the relief of certain persons therein named.

The bill was read the third time, and passed.

Message from the House, by Mr. Hames:

Mr. President: The House refuses to recede from its amendment to the Senate bill to compensate certain persons therein named, and has appointed Messrs. Hale, Clayton and ———, a committee on the part of the House.

Messrs. Jones, of Greene, Clitherall and Bynum, were appointed said committee on the part of the Senate.

The House bill to repeal an act therein named, regulating the sessions of the circuit and city courts of Mobile county, was read the first, second and third times, and passed.

The House bill for the relief of James H. Daughdrille, Elisha B. Lot and Henry Hunt, tax-collectors of Mobile county, was read the third time, and passed.

The bill to regulate proceedings in probate courts, was read the first time and ordered to a second reading.

The bill to prevent betting at ten pins, was read the third time and passed.

Yeas 18, nays 4.

Yeas—Messrs. President, Abernathy, Austin, Bullock, Clitherall, Crawford, Griffin, Hill, Horn, McKinne, McSpadden, Mitchell, Patton, Rather, Rayburn, Rowe, Storrs and Woodward—18.

Nays—Messrs. Bynum, Heflin, Thaxton and Thompson—4.

The bill to compensate R. A. McGibbony, was read the third time and passed.

Yeas 13, nays 10.

Yeas—Messrs. President, Agee, Bullock, Clitherall, Cocke, Felder, Fleming, Griffin, Lindsay, Rayburn, Rowe, Thompson and Woodward—13.

Nays—Messrs. Bynum, Deas, Heflin, Hill, McKinne, McSpadden, Mitchell, Patton, Rather and Thaxton—10.

The joint resolutions proposing amendments to the Constitution, were read the third time and passed.

Yeas 25.

Yeas—Messrs. President, Abernathy, Agee, Bullock, Burnett, Bynum, Clitherall, Cocke, Deas, Felder, Fleming, Heflin, Hill, Horn, Jones of Greene, McKinne, McSpadden, Mitchell, Patton, Rather, Rayburn, Rowe, Storrs, Thaxton and Woodward—25.

Mr. Jones, of Greene, from the committee of conference on the bill to compensate certain persons therein named, reported that the committee of the Senate, and the committee on the part of the House, could not agree, and asked to be discharged.

Ordered, that the committee be discharged.

The Senate refused to pass the bill to repeal section 2806 of the Code.

Yeas 11, nays 16.

Yeas—Messrs. President, Bynum, Cocke, Fleming, Hill, Jones of Greene, Lindsay, Mitchell, Rowe, Thompson and Woodward—11.

Nays—Messrs. Abernathy, Agee, Bullock, Burnett, Clitherall, Crawford, Deas, Felder, Heflin, Horn, McKinne, McSpadden, Patton, Rather, Rayburn, Storrs and Thaxton—16.

#### AFTERNOON SESSION.

The Senate met pursuant to adjournment.

The roll being called, the following members answered to their names:

Mr. President, Abernathy, Agee, Austin, Bullock, Clitherall, Deas, Felder, Griffin, Heflin, Hill, Jones of Greene, Lindsay, McKinne, Rather, Rayburn, Rowe, Thaxton and Thompson—18.

The Senate proceeded to consider the amendment of the House to the bill to compensate certain persons therein named.

Mr. Clitherall offered an amendment giving additional pay only to the assistant and engrossing clerks of the two Houses; which was adopted.

Yeas 16, nays 6.

Yeas—Messrs. President, Abernathy, Agee, Austin, Bullock, Carter, Clitherall, Felder, Griffin, Heflin, Horn, Lindsay, Patton, Rayburn, Rowe and Woodward—16.

Nays—Messrs. Bynum, Jones of Greene, Mitchell, Hill, Rather and Thompson—6.

Mr. Patton offered the following resolution:

*Resolved*, That the thanks of the Senate be, and the same are hereby, tendered to the Reverend Clergy of this city for their faithful ministrations, in opening the sessions of the Senate with prayer, during the present session of the General Assembly.

The resolution was unanimously adopted.

The bill to authorize the executrix of B. W. Mangham to sell real estate of deceased, was read the first, second and third times, and passed.

The bill to prevent trespass of cattle or other stock in the counties of Sumter and Marengo, was read; and,

On motion of Mr. Jones, of Greene, laid on the table.

The bill from the House to regulate proceedings in probate courts, was read the first time, and ordered to a second reading; also,

The bill for the relief of persons indebted to the Commercial and Cental Banks.

The bill for the relief of the clerk of the circuit court of Cherokee county, was reported from the Judiciary committee, by Mr. McSpadden, and laid on the table.

Message from the House by Mr. Hames, informing the Senate that the House had appointed Messrs. Wood, Morgan and Pennington, a committee on the part of the House, to wait on the Governor, &c.

On motion of Mr. Clitherall:

*Resolved*, That a committee of three be appointed on the part of the Senate, to act with a like committee on the part of the House, to wait on the Governor, and inform him that the two Houses will be ready to adjourn at 10 o'clock, P. M., and to ascertain if the Executive has any further communication to make to the General Assembly.

Messrs. Storrs, Clitherall and Hill, were appointed said committee on the part of the Senate.

On motion of Mr. Clitherall:

*Resolved*, That the secretary inform the House of Representatives that the Senate has completed the business of the session, and will be ready to adjourn, *sine die*, at 10, P. M., this afternoon.

On motion of Mr. Hill, the bill for the relief of Charles Hobbs, of Talladega county, was taken up and read; but no quorum appearing in the Senate, the bill was lost.

Mr. Storrs, from the select committee appointed to wait on the Governor, inform him that the two Houses were ready to adjourn if he had no further communication to make, reported, that they had been instructed by the Governor that he would make his last communication to this General Assembly at 6 o'clock, P. M.

Message from the Governor, by Mr. Phelan:

Mr. President: His Excellency the Governor, has approved bills which originated in the Senate, of the following titles:

An act to regulate and define the duties and liabilities of railroad companies in this State;

An act amendatory of the several plank road charters therein designated;

An act to transfer certain property to the University of Alabama;

An act to repeal an act entitled an act to incorporate the town of Guntersville, in the county of Marshall;

An act to change and regulate the time of holding the Spring

terms of the circuit court in Madison, Marshall and Jackson counties;

An act to incorporate the Cahaba and Tuskaloosa Telegraph company;

An act to incorporate the Alabama Planters' Steamboat company;

An act for the relief of Henry F. Snow.

Mr. Clitherall offered the following resolutions:

*Resolved*, That the thanks of the Senate are hereby tendered to the Hon. James M. Calhoun, for the able, dignified and courteous manner in which he has discharged his duties as presiding officer of this body.

*Resolved*, That the thanks of the Senate are due to the other officers of the Senate, for the faithful manner in which they have discharged the duties of their offices, respectively.

The resolutions were unanimously adopted; whereupon,

Mr. Calhoun responded as follows:

SENATORS:

I feel deeply impressed with the uninterrupted kindness, consideration and forbearance which have been extended to me by you all in the discharge of those duties which were imposed upon me by the office I have held. I entered upon its duties with unfeigned reluctance; but, cheered by your kindness and forbearance, my labors have been pleasant and agreeable. For this, gentlemen, I beg of you to receive my grateful acknowledgements. You have been pleased, too, to express now your approval of the manner in which I have discharged the duties of your presiding officer.

I have not words to express the feelings which fill my heart. These things have made an impression on me not soon to be forgotten; and, till the pulse of life shall cease to beat, will be remembered and cherished with pleasure and pride, and I trust will encourage me in the proper performance of those duties which may devolve upon me as a citizen during the few more years which may be allowed.

I have endeavored to be kind, courteous and impartial; If I have failed in any of these, in or out of the chair, it has been unintentional. If, however, from any such failure, I have given the slightest wound to any Senator, I entreat him to banish it from his memory, when I assure him that it was unintentional and deeply regretted.

In closing this session, while we are about to separate, to return to our homes, our families and our constituents, take with you my warmest wishes for the health, happiness and continued

prosperity of each and all of you. I invoke for each of you the smiles of Heaven, of a happy family and of approving constituents.

Farewell, Senators and Officers—to me a painful, heartfelt farewell, to each and all of you.

I pronounce the Senate adjourned *sine die*.

J. M. CALHOUN,

President of the Senate.

J. H. PHELAN,

Secretary.



# INDEX.

---

- ABERNATHY, MR.—Introduced bills, 34, 35, 101, 155, 182, 198, 258; offered resolutions, 33, 46; made motions, 109; presented petitions, 90, 290; presented accounts, 174.
- AGEE, MR.—Introduced bills, 36, 47, 67, 77, 103, 180, 183, 207, 256; offered resolutions, 67, 90, 291; made motions, 38, 89, 102, 136, 148; moved to lay on the table, 111, 280; moved to reconsider, 158, 255, 309; moved to amend, 163, 166, 185, 276, 280, 292; moved to adjourn, 249; made reports, 78, 95, 113, 160, 162, 223, 232, 304, 305, 320, 323, 336, 338, 339; presented memorial of Chas. Smith, 133; called for a division, 148; moved the previous question, 231; joint resolutions, 331.
- AUSTIN, MR.—Introduced bills, 36, 68, 125, 174, 180, 183, 205, 214; moved to amend, 141, 218; made reports, 73, 78, 145, 175, 176, 209, 304, 318, 338; introduced joint resolutions, 39; presented accounts, 39.
- BULLOCK, MR.—Introduced bills, 32, 36, 77, 101, 115, 121, 126, 133, 137, 143, 146, 161, 170, 176, 183, 207, 213, 219, 256, 259, 303, 332; made reports, 39, 47, 49, 50, 51, 55, 56, 62, 63, 64, 70, 71, 72, 73, 74, 77, 85, 86, 108, 109, 112, 113, 126, 127, 129, 150, 151, 159, 160, 161, 170, 175, 199, 200, 208, 220, 221, 223, 232, 245, 246, 263, 303, 329, 333, 335, 336, 337, 338, 339; appealed from decision of chair, 318; moved to amend, 73, 105, 111, 130, 177, 185, 226, 257, 264, 298; made motions, 83, 107, 126, 201, 223, 227, 282, 308, 317, 335; moved to lay on table, 228, 233, 335; moved the previous question, 112; offered joint resolutions, 103; presented petitions, 87; moved to adjourn, 281; moved to reconsider, 288.

PAGE 351 SKIPPED IN  
NUMBERING OF BOOK

- BURNETT, MR.—Introduced bills, 47, 78, 146, 155, 180; made report, 54, 151, 328; moved to lay on the table, 144, 173; made motion, 170, 180, 306, 331; moved to reconsider, 246; moved to amend, 246, 263, 273, 291.
- BYNUM, MR.—Introduced bills, 33, 68, 110, 115, 127, 164, 180, 182, 204, 258; offered resolutions, 35, 36, 88, 97, 143, 208; made motions, 34, 86, 100, 104, 105, 106, 126, 137, 183, 227, 244, 314; moved to lay on table, 66, 92, 137, 149, 166, 176, 195, 206, 208, 229, 230, 260, 310, 318, 319, 324, 327; moved to amend, 65, 79, 97, 249, 255, 280, 306, 312, 313; moved to adjourn, 82, 136, 157, 200, 230, 234, 246, 298, 299; made reports, 83, 96, 107, 302, 326; moved the previous question, 134, 147, 214, 278; moved to reconsider, 148, 253, 282; presented petitions, 124.
- CARTER, MR.—Introduced bills, 37, 67, 121; made motions, 70, 185; moved to reconsider, 133; made reports, 158; presented accounts, 87; moved to amend, 312.
- CLITHERALL, MR.—Introduced bills, 11, 12, 27, 28, 32, 35, 39, 43, 68, 109, 143, 146, 150, 168, 172, 180, 208, 219, 246, 253, 258, 260, 263, 290, 310; offered resolutions, 9, 10, 11, 33, 36, 38, 46, 88, 169, 247, 287, 347, 348; made motions, 29, 33, 42, 53, 61, 72, 84, 97, 106, 111, 117, 125, 129, 134, 135, 162, 167, 184, 185, 186, 224, 226, 261, 279, 288, 342; moved to amend, 38, 39, 42, 49, 53, 62, 64, 67, 71, 73, 74, 75, 81, 92, 95, 105, 112, 114, 118, 125, 127, 137, 164, 165, 257, 291, 299, 313, 346; moved to lay on table, 61, 69, 70, 82, 90, 97, 112, 151, 152, 162, 164, 209, 221, 234, 264, 274, 280, 297, 298, 300, 303, 311; moved to adjourn, 43, 249, 263, 273, 292, 298; moved to reconsider, 82, 132, 137, 138, 186, 287; moved the previous question, 156, 162; made reports, 55, 69, 89, 91, 93, 97, 106, 138, 150, 175, 180, 182, 198, 199, 204, 213, 229, 230, 233, 246, 253, 263, 273, 302, 303, 326, 332, 335, 336, 337, 340; appeal from decision of the chair, 30, 130, 274; withdrew appeal, 33; withdrew amendment, 214; protest, 212, 276.
- COCKE, MR.—Introduced bills, 32, 33, 104, 109, 121, 127, 182, 207, 219, 224, 228, 259, 263, 290; offered resolutions, 171; moved to adjourn, 35; made motions, 73, 75, 168, 186, 264, 300; moved to reconsider, 106, 132; moved to lay on table, 149, 224, 247, 310, 329; moved to amend, 167, 181, 228, 232, 233, 244, 275, 287, 327; made reports, 46, 78, 89, 151, 175, 205, 206, 220, 130, 262, 330,

336, 339; presented petition, 127; moved previous question, 264, 334.

CRAWFORD, MR.—Introduced bills, 87, 115, 137, 172, 197, 260; offered resolutions, 61, 77, 137; made reports, 12, 89, 228, 229, 256; presented accounts, 54; presented petitions, 101.

COMMITTEES—Joint, 10, 11, 31, 46, 47, 50, 90, 347; select, 67, 86, 95, 118; standing, 9, 10.

DEAS, MR.—Introduced bills, 29, 54, 71, 150, 171, 204, 263, 326, 331; offered resolutions, 96; made motions, 109, 132, 152; presented petitions, 28, 70, 224; presented accounts, 174; moved to lay on the table, 307.

ELECTIONS—President of the Senate, 4; secretary of senate, 4; assistant secretary, 4, 5, 6; doorkeeper, 7; solicitor for 7th judicial circuit, 56, 57; United States Senator, 57; chancellor for the middle chancery division, 57; solicitor for 9th judicial circuit, 58, 59, 60, 61; secretary of state, 121, 122; comptroller, 122; treasurer, 123, 124; superintendent of education, 123; trustees of University, 301, 302.

FLEMING, MR.—Introduced bills, 16, 39, 125, 144, 147; offered resolutions, 68, 82, 110, 144, 156; joint resolutions, 12; made motions, 51, 117, 224, 247; moved to lay on table, 27, 64, 253, 315, 324; moved to amend, 79, 90, 281; made reports, 129, 205, 214, 225, 258, 302, 331; called yeas and nays, 56; presented protest, 211, moved to adjourn, 262, 292; moved the previous question, 301.

FELDER, MR.—Introduced bills, 16, 35, 36, 39, 66, 115, 174, 176, 228, 290; offered resolutions, 46, 103; joint resolution and memorial, 137; made motions, 70, 89, 230, 306; moved to amend, 221, 247, 275, 291, 299, 310, 329, 334; moved to lay on table, 30, 330; made reports, 86, 89, 157, 159, 160, 162, 176, 287, 318, 319, 329; presented petitions, 87, 115; presented accounts, 197, 213, 245.

GRIFFIN, MR.—Introduced bills, 32, 67, 103, 115, 182, 197, 220, 256, 264, 289; made motions, 257, 315; moved to amend, 38, 160; moved to lay on table, 54; made reports, 338; presented petitions, 109, 171; presented protest, 212.

GOVERNOR—Vote corrected, 30.

HEFLIN, MR.—Introduced bills, 146, 155, 180, 290; made reports, 209, 305; moved to amend, 326.

HILL, MR.—Introduced bills, 29, 260, 332; made motions, 74, 275, 279, 322, 347; moved to lay on the table, 79; made

reports, 39, 69, 89, 113, 128, 158, 171, 206, 219, 213, 234, 302, 303, 328; offered resolutions, 198.

**HORN, MR.**—Introduced bills, 36, 91, 103, 147, 256, 263; moved to amend, 230; made reports, 48, 158, 344; presented petitions, 115; presented memorial, 133.

**JEMISON, MR.**—Introduced bills, 91, 124, 147, 303; offered resolutions, 11, 47, 50, 53, 134; moved to amend, 30, 53, 63, 90, 107, 108, 116, 117, 139, 148, 301, 307, 328; made motions, 56, 61, 70, 83, 99, 114, 116, 138, 327; moved to lay on table, 138, 163, 166, 167, 170, 327; made reports, 69, 78, 86, 114, 126, 128, 157, 159, 164, 306; called for division, 108; presented petition, 91.

**JONES, MR. A. C.**—Introduced bills, 12, 50, 68, 70, 133, 155, 174, 224, 260, 290; offered resolutions, 31, 143; made motions, 43, 47, 68, 70, 106, 116, 254, 261, 322, 333; moved to amend, 129, 149, 163, 169, 223, 313, 320; moved to reconsider, 135; moved to lay on table, 99, 106, 223, 262, 333; made reports, 48, 151, 152, 176, 205, 345; offered joint resolution, 62; withdrew motion, 136; moved the previous question, 274, 276.

**JONES, MR. E. P.**—Introduced bills, 30, 61, 127; made motions, 128; moved to reconsider, 279; moved to lay on table, 106; moved to adjourn, 299; moved the previous question, 333; made reports, 231, 302, 304, 329; presented accounts, 180.

**LINDSAY, MR.**—Introduced bills, 34, 43, 90, 124, 137, 143, 147, 155, 214, 258, 264, 290, 318; made motions, 38, 42, 47, 82, 102, 111, 129, 446, 162, 203, 227, 228, 230, 248, 249, 250, 255, 262, 273, 278, 326, 329, 339; moved to lay on table, 82, 112, 177, 199, 231, 249, 254, 275, 300, 330; moved to amend, 86, 112, 148, 149, 169, 170, 205, 221, 275, 306, 307, 330, 333; moved to reconsider, 86, 139, 295, 300; moved previous question, 89, 152, 262, 312, 320; withdrew amendment, 163; offered joint resolution, 172; appealed from decision of chair, 145; made reports, 86, 151, 231, 235, 303, 328, 335, 339; moved to adjourn, 273, 310.

**MESSAGES**—From the Governor, 13, 43, 103, 107, 130, 136, 146, 181, 203, 212, 226, 252, 256, 281, 294, 309, 321, 341, 339; 341, 342, 347, from the House of Representatives, 27, 29, 31, 33, 38, 40, 45, 49, 51, 56, 69, 71, 82, 74, 79, 84, 89, 91, 92, 97, 109, 118, 121, 130, 132, 144, 147, 169, 173, 177, 183, 200, 204, 207, 213, 220, 253, 308, 328, 342, 345, 347.

**McKINNE, Mr.**—Introduced bills, 155, 33, 136; offered resolution, 121; made reports, 220, 305, 319; presented petition, 228.

**McSPADDEN, Mr.**—Introduced bills, 62, 97, 104, 115, 182, 137, 144, 155, 204, 260, 264; offered resolutions, 31, 45, 68; made reports, 36, 78, 92, 97, 99, 101, 126, 133, 160, 171, 175, 180, 200, 219, 328, 336, 339; made motions, 75, 92, 146, 165, 197, 298, 311, 316; moved to lay on table, 73; moved to amend, 88, 116, 134, 163, 165, 298, 299, 307, 311; presented accounts, 174; moved to adjourn, 281.

**MITCHELL, Mr.**—Introduced bills, 39, 61, 68, 70, 109, 124, 198, 225, 245; made motions, 101, 245, 257; moved to reconsider, 104; moved to amend, 165, 214; made reports, 64, 75, 79, 127, 158, 161, 167, 328; presented petition, 33.

**PRESIDENT, Mr.**—Introduced bills, 47, 131, 133, 137, 263; made motions, 43, 83, 101, 149, 279, 289; moved to amend, 125, 163, 166, 172, 306, 307, 309; moved to lay on table, 145, 199, 344; laid before the Senate communications, 47, 50, 113, 125, 143, 181, 260, 266, 267; presented memorial, 104; submitted protest, 153, 154, 155, 212; made decision, 318; responded to resolutions of thanks, 348.

**PATTON, Mr.**—Introduced bills, 62, 38, 91, 96, 104, 127, 144, 172, 246, 260; offered resolutions, 10, 29, 35, 96, 125, 205, 346; made motions, 11, 42, 143, 148, 259, 262, 291, 327, 334; moved to amend, 100, 112, 163; moved to reconsider, 34; moved to lay on table, 116, 117, 276; made reports, 32, 71, 83, 92, 107, 115, 117, 118, 128, 145, 151, 159, 227, 244, 265, 273, 291, 306, 318, 326, 340; offered joint resolutions, 68, 198, 332; presented report of Wm. F. Perry, superintendent of public education, 44.

**RATHER, Mr.**—Introduced bills, 43, 54, 101, 115, 127, 147, 220, 290; offered resolutions, 49; made motions, 134, 183, 273, 294; moved to amend, 165, 167, 234, 326; moved to lay on table, 165, 332; made reports, 32, 50, 55, 69, 71, 107, 108, 127, 144, 146, 150, 157, 159, 175, 231, 234, 253, 254, 273, 319, 326; moved to reconsider, 35, 165; made minority report, 235.

**RAYBURN, Mr.**—Introduced bills, 91, 150, 156, 164, 172, 260, 332; offered resolutions, 182; moved to amend, 71; made reports, 160, 209, 231, 304, 305.

**ROWE, Mr.**—Introduced bills, 12, 32, 37, 66, 99, 172, 174, 180, 204, 290; offered resolutions, 11, 101, 115, 121, 182, 207;

made motions, 42, 137, 273, 300; moved to amend, 79, 274, 306; moved to lay on table, 86, 117, 128, 175, 247, 261, 313; moved to reconsider, 253; made reports, 28, 47, 51, 113, 145, 175, 206, 209, 220, 224, 232, 288, 304.

STORRS, Mr.—Introduced bills, 53, 87, 109, 115, 137, 124, 127, 146, 207, 219, 225; offered resolutions, 10, 12, 27, 47, 130; made motions, 146, 183, 279; moved to amend, 80, 105, 165; moved to reconsider, 54; made reports, 51, 62, 90, 127, 128, 144, 151, 158, 162, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 206, 209, 222, 223, 255, 305, 319, 323, 329, 330, 336, 337, 347; presented petitions, 124, 143, 146; joint resolutions, 87; protest, 212; called for a division of question, 83; moved to lay on the table, 313.

THAXTON, Mr.—Introduced bills, 52, 71, 109, 180, 182, 198; moved to amend, 38; offered resolutions, 61.

THOMPSON, Mr.—Introduced bills, 51, 87, 115, 126; made reports, 219, 225, 231, 233, 250, 254, 260, 264, 265, 273, 280, 289, 294, 308, 315, 323, 340.

WOODWARD, Mr.—Introduced bills, 39, 47, 228, 245, 256, 260; made reports, 54, 220, 231, 232, 233, 273, 305, 320, 337, 345; joined in protest, 212.

YEAS AND NAYS—30, 31, 42, 45, 56, 57, 61, 62, 63, 64, 65, 66, 67, 73, 74, 81, 82, 83, 86, 90, 93, 94, 99, 100, 102, 103, 104, 105, 106, 107, 110, 111, 112, 113, 114, 116, 117, 118, 125, 126, 128, 129, 130, 132, 124, 135, 136, 138, 144, 145, 146, 147, 148, 149, 152, 153, 155, 156, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 175, 177, 179, 180, 181, 182, 183, 184, 185, 186, 199, 200, 201, 202, 204, 205, 206, 207, 208, 209, 210, 211, 214, 217, 218, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 244, 245, 246, 247, 248, 249, 250, 254, 255, 256, 257, 258, 260, 261, 262, 263, 264, 273, 274, 275, 276, 278, 279, 280, 281, 282, 283, 284, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 228, 329, 330, 331, 332, 133, 334, 335, 336, 337, 338, 339, 342, 343, 344, 345, 346.